

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -
RICKY JACKSON,)
Plaintiff,)
vs.) CASE NO. 1:15-CV-00989
CITY OF CLEVELAND, et) JUDGE CHRISTOPHER A.
al.,) BOYKO
Defendants.) _____

)
)
KWAME AJAMU, et al.,)
Plaintiff,)
vs.) CASE NO. 1:15-CV-01320
CITY OF CLEVELAND, et) JUDGE CHRISTOPHER A.
al.,) BOYKO
Defendants.)

- - -
Deposition of RONALD L. TURNER, a witness
herein, called by the Defendants for Examination
pursuant to the Federal Rules of Civil
Procedure, taken before me, the undersigned,

1 Binnie Purser Martino, a Registered Diplomate
2 Reporter, Certified Realtime Reporter and Notary
3 Public in and for the State of Ohio, pursuant to
4 Notice and agreement of counsel at the law
5 offices of Roetzel & Andress, LPA, One Cleveland
6 Center, 10th Floor, 1375 East Ninth Street,
7 Cleveland, Ohio, on Monday, the 13th day of
8 June, 2016, commencing at 1:03 o'clock p.m.

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1 RONALD L. TURNER
2 of lawful age, a witness herein, having been
3 first duly sworn, as hereinafter certified,
4 deposed and said as follows:

5 EXAMINATION

6 **BY MR. MALLAMAD:**

7 **Q.** Mr. Turner, my name is Shawn Mallamad, I
8 represent the City of Cleveland in this case. I
9 know that you have been issued a subpoena to
10 appear today.

11 Let me ask you, just initially, have you
12 ever had your deposition taken before?

13 **A.** Oh, yes.

14 **Q.** What occasions were those?

15 **A.** Sir, I can't remember. There may have been
16 many. Before you go any further, at 2:00, no
17 matter what we are doing, I must stop and take
18 my medicine. Okay?

19 **Q.** Absolutely.

20 **A.** It has to be 2:00.

21 **Q.** That is fine.

22 **A.** Okay. Now, with respect to depositions,
23 over the course of my being a policeman, lots of
24 times. After being a policeman, lots of times.

25 **Q.** This is an opportunity for us to ask you

1 questions about what information you may have
2 about these lawsuits we are here about today.
3 So as you know, I will be asking you questions
4 and the court reporter will be taking down your
5 answers verbally.

6 So you need to answer verbally, versus
7 gestures or nods. Fair enough?

8 **A.** Absolutely.

9 **Q.** And if you need a break, we already talked
10 about the fact that at 2:00, you need to take
11 some medicine. That is fine. Just let me know
12 if you ever need to take a break. The only
13 caveat, if I have a question pending, you need
14 to answer before we take a break.

15 **A.** Okay.

16 **Q.** Did you review any documents in advance of
17 today's deposition?

18 **A.** No.

19 **Q.** And obviously you have brought some
20 medication today. I want to ask if you are
21 taking any medication that affects your ability
22 to remember or answer truthfully?

23 **A.** Remember, yes. Answer truthfully, no.

24 **Q.** What medication do you take that affects
25 your ability to remember?

1 **A.** I am fighting colon cancer and prostate
2 cancer. This is an experimental drug called
3 Xtandy, and it affects my memory to a limited
4 degree, depending upon --

5 **Q.** What can you tell me about what you have
6 learned about how it affects your memory?

7 **A.** Well, sometimes I can't remember certain
8 things. I have problems with recall.

9 **Q.** You understand that this is the only
10 opportunity that we have before the trial of
11 these cases, to ask you the knowledge you have
12 about certain allegations and the claims that
13 you may be making today.

14 **A.** I understand that. I will give you my
15 honest truth -- the honest truth.

16 **Q.** Besides the medication that you say causes
17 memory issues, do you have any other memory
18 issues that are separate and apart from any
19 medication?

20 **A.** No, not that I say this is what it does and
21 I will tell you the truth.

22 **Q.** Did you read the civil complaints in this
23 case?

24 **A.** No.

25 **Q.** Did you review any of the discovery

1 responses in this case?

2 A. No.

3 Q. Can you tell me your present marital
4 status?

5 A. Single.

6 Q. Were you ever married?

7 A. Yes.

8 Q. When were you married?

9 A. A long time ago.

10 Q. Can you tell me the dates?

11 A. No.

12 Q. You don't remember?

13 A. No.

14 Q. How many times were you married?

15 A. Once.

16 Q. And what is the highest level of education
17 you achieved?

18 A. Two years of college.

19 Q. Where was that?

20 A. Community.

21 Q. Tri-C?

22 A. Yes.

23 Q. And when was that?

24 A. In the '60s.

25 Q. And before we began the deposition today, I

1 believe you said you stopped being a police
2 officer in 1985?

3 **A.** Yes.

4 **Q.** And how long were you with the Cleveland
5 Police Department?

6 **A.** From 1969 to 1985.

7 **Q.** And did you have any employment before
8 1969?

9 **A.** Yes.

10 **Q.** Where did you work?

11 **A.** I ran the Security Department at Zayre's
12 Department Store. They are no longer in
13 existence. And I was a regional supervisor for
14 the Grollier Company, and they sold
15 encyclopedias.

16 **Q.** Anything else you did before you became a
17 police officer?

18 **A.** Sir?

19 **Q.** Any other employment before you became a
20 police officer?

21 **A.** No.

22 **Q.** Mr. Turner, what is your date of birth?

23 **A.** 6/15/47.

24 **Q.** After you left the police department in
25 1985, did you have any employment?

1 **A.** No.

2 **Q.** Do you have any criminal convictions?

3 **A.** No.

4 **Q.** Have you ever been party to a lawsuit where
5 you have sued someone or have been sued by
6 somebody?

7 **A.** Yes.

8 **Q.** Tell me, how many are we talking about?

9 **A.** Sir, I couldn't begin to tell you. I don't
10 remember.

11 **Q.** Tell me the ones you do remember.

12 **A.** I was part of a lawsuit against the City of
13 Cleveland before Federal Judge Thomas for the
14 discriminatory practices in hiring and firing,
15 especially as it related to minorities.

16 **Q.** What other lawsuits, where you have sued
17 someone or have been sued by somebody?

18 **A.** I don't remember any where I have -- I just
19 don't remember that.

20 **Q.** So as far as you can recall, just the one
21 lawsuit where you were a Plaintiff and you sued
22 the city, I assume other officers, based on
23 claimed discrimination?

24 **A.** It was proven discrimination, yes.

25 **Q.** And that was before Judge Thomas?

1 **A.** That is correct.

2 **Q.** And when was that case filed?

3 **A.** In the '70s, I am going to say maybe '71,
4 '72.

5 **Q.** Do you remember when it concluded?

6 **A.** No.

7 **Q.** Did you serve in the military?

8 **A.** No.

9 **Q.** When you became a Cleveland police officer
10 in 1969, I assume you filled out an
11 application --

12 **A.** Yes.

13 **Q.** -- to become a police officer?

14 Did you take a Civil Service test?

15 **A.** Yes.

16 **Q.** Were you interviewed for the job?

17 **A.** Yes.

18 **Q.** And then the next step in the process was
19 for you to attend the Cleveland Police Academy?

20 **A.** Yes.

21 **Q.** And where was the academy when you
22 attended?

23 **A.** It was approximately Carnegie and I am
24 going to say 23rd.

25 **Q.** How long did it last?

1 **A.** Four months.

2 **Q.** And tell me about the subjects that you
3 learned or that were covered as part of the
4 curriculum when you went to the police academy.

5 **A.** Patrol procedures, criminal investigation,
6 traffic, reports, shooting.

7 **Q.** Any other subjects you can recall besides
8 those four?

9 **A.** No. We had a lot of guest speakers. No.
10 Physical education, I guess.

11 **Q.** Besides the physical education and the four
12 subject areas that you talked about, can you
13 tell me if the academy covered other specific
14 areas when you attended?

15 **A.** Such as? I don't know.

16 **Q.** I am asking you.

17 **A.** I don't remember.

18 **Q.** There may have been more, you just don't
19 recall?

20 **MS. WANG:** Objection, asked
21 and answered.

22 **THE WITNESS:** Right.

23 **BY MR. MALLAMAD:**

24 **Q.** After you attended the academy, did you
25 undergo any in-service training as a member of

1 the Cleveland Police Department?

2 **MR. GILBERT:** Can you be more
3 specific as to what you mean by --

4 **THE WITNESS:** By in-service,
5 please.

6 **BY MR. MALLAMAD:**

7 **Q.** Did you receive any additional training
8 after you left the police academy, once you
9 became a police officer?

10 **A.** I had a crash course in narcotics.

11 **Q.** Okay. Any other subjects?

12 **A.** No.

13 **Q.** Did you have to undergo use of deadly force
14 training?

15 **A.** No.

16 **Q.** Aside from the crash course in narcotics,
17 did you -- were there any other areas where you
18 received additional training after the academy?

19 **A.** No, not that I remember.

20 **Q.** Once you became a member of the Division of
21 Police, I assume you went through a probationary
22 period; is that accurate?

23 **A.** No. The probationary period was in the
24 academy.

25 **Q.** Did you ever serve with a field training

1 officer?

2 **A.** No.

3 **Q.** Were you ever assigned as basic patrol,
4 with a more experienced officer, more senior
5 officer?

6 **A.** My first assignment was vice.

7 **Q.** Out of the academy?

8 **A.** Right out of the academy I went to vice.

9 **Q.** Did you ever serve as a patrol officer?

10 **A.** Yes.

11 **Q.** I am going to ask you about your career in
12 a little bit more detail. But what, where in
13 the city were you assigned to the Vice Unit?

14 **A.** Third District.

15 **Q.** When you were assigned to the Vice Unit,
16 were you a partner with a more senior officer?

17 **A.** Yes.

18 **Q.** And who was that officer?

19 **A.** I couldn't tell you. I don't remember.

20 **Q.** When you began the police academy, were you
21 given general police orders --

22 **A.** Yes.

23 **Q.** -- as part of the material that was given
24 to you?

25 **A.** Yes.

1 **Q.** What other documents besides general police
2 orders were you given, while in the academy?

3 **A.** Handouts on those subjects that you
4 covered. That was it.

5 **Q.** You received a manual of rules and
6 regulations while in the academy?

7 **A.** Yes.

8 **Q.** Which are different than general police
9 orders, right?

10 **A.** No, those aren't the same. Back then, they
11 were the same. I don't know what they are now.

12 **Q.** And were there departmental notices back
13 when you first became a member of the Division
14 of Police?

15 **A.** Departmental notices?

16 **Q.** Documents that were passed out to officers
17 with information regarding a variety of
18 subjects?

19 **A.** There were GPOs, general police orders. We
20 only got scattered GPOs, because they were in a
21 book that was ancient. And then roll call, we
22 never covered anything like that, unless it was
23 a specific order or someplace where there was a
24 rise in crime. So that is the best way I can
25 answer that.

1 **Q.** So I understand you, Mr. Turner, when you
2 began as a police officer, you were given your
3 own set of GPOs?

4 **A.** No, I was never given a set of GPOs.

5 **Q.** Was there a set of GPOs at the district
6 where you were assigned?

7 **A.** No.

8 **Q.** How did you learn there were general police
9 orders?

10 **A.** I was told, and whenever somebody screwed
11 up, they would get a GPO.

12 **Q.** Did you ever see a general police order in
13 your career?

14 **A.** Yeah, I saw them. When somebody screwed
15 up, they put them on the desk and everybody read
16 them. But the entire book, the entire list, no.

17 **Q.** Up until when you left the police
18 department in 1985, your testimony is that you
19 never had your own set of general police orders?

20 **A.** No.

21 **Q.** And up until when you left in 1985, is your
22 testimony that wherever you were assigned, there
23 was not a book of current general police orders?

24 **A.** No.

25 **Q.** Is that a correct statement?

1 **A.** That is a very fair statement.

2 **Q.** Did you ever review the general police
3 orders that were in effect while you were a
4 police officer, other than the occasion where
5 you said someone screwed up and they would bring
6 out the GPO?

7 **A.** Yes.

8 **Q.** And how did you go about doing that?

9 **A.** I subpoenaed them.

10 **Q.** In which case?

11 **A.** The case with Judge Thomas.

12 **Q.** So not until the discrimination case with
13 Judge Thomas, were you able to have access to
14 the general police orders?

15 **A.** That is correct.

16 **Q.** And what is your understanding of what a
17 general police order sets forth for the members
18 of the Division of Police?

19 **A.** Just what it says. It is a general order
20 coming from the Chief, a general police order.

21 **Q.** And that GPO sets forth the policies or
22 procedures of the Division of Police; is that a
23 fair statement?

24 **A.** Sometimes. Sometimes it was a policeman
25 can wear a short-sleeved shirt from May to

1 whatever, when the temperature exceeds whatever.
2 That is a general police order.

3 **Q.** But as to the policies, procedures of the
4 Division of Police, if they were to be found,
5 they would be found inside of the general police
6 orders?

7 **MS. WANG:** Objection.

8 **BY MR. MALLAMAD:**

9 **Q.** That is just an objection. You can go
10 ahead and answer.

11 **MS. WANG:** You have to let me
12 state my objection for the record.

13 **MR. MALLAMAD:** Go ahead, state
14 your objection.

15 **MS. WANG:** Objection, asked
16 and answered, foundation.

17 **BY MR. MALLAMAD:**

18 **Q.** You can answer, Mr. Turner.

19 **A.** They would be found in the book of rules.

20 **Q.** The manual of rules and regulations?

21 **A.** Correct.

22 **Q.** Let me ask you this, Mr. Turner: You began
23 in 1969, correct?

24 **A.** Correct.

25 **Q.** And you left the Division of Police in

1 1985?

2 **A.** Correct.

3 **Q.** Okay. Let's walk through all of the
4 assignments that you had during that period of
5 time.

6 **A.** Okay.

7 **Q.** So by my math, it looks like you had a 16
8 year career?

9 **A.** Yes.

10 **Q.** When you left the academy, you were
11 assigned to the Third District Vice Unit?

12 **A.** That is correct.

13 **Q.** How long did you work there?

14 **A.** Maybe four months.

15 **Q.** And where were you next assigned?

16 **A.** Beat patrol.

17 **Q.** Would that be in a zone car?

18 **A.** No, walking a beat.

19 **Q.** And what district was that?

20 **A.** Third District.

21 **Q.** How long were you assigned to that task?

22 **A.** Oh, boy. I am going to say from 1970 to
23 probably '71 or '72.

24 **Q.** What was your next assignment?

25 **A.** Well, my next assignment sprung from

1 walking a beat. I was involved in a special
2 downtown detail, and that included all of the
3 Third District, specifically, and mostly
4 downtown. However, we were requested on
5 occasion to go different places.

6 Q. What was the specialty detail, where was
7 the special detail?

8 A. It was we were allowed to handle any crime
9 that we saw, and handle it right on the spot.

10 Q. So you had citywide jurisdiction?

11 A. Basically, I was in the Third District and
12 basically in the third -- in the downtown area,
13 but as I stated, occasionally, they would ask us
14 to go to different spots, if there was a trouble
15 spot --

16 Q. Okay.

17 A. -- and work that area.

18 Q. Did that specialty unit, eventually be
19 known as the strike force?

20 A. No.

21 Q. Did it have a name?

22 A. Yes.

23 Q. What was the name?

24 A. Mod Squad.

25 Q. Did the Division of Police call it the Mod

1 Squad or is that something that the officers in
2 it called it?

3 **A.** Everybody, the police, the papers, the
4 bosses, everybody.

5 **Q.** It was for any type of street crime that
6 you encountered?

7 **A.** For any type of crime while on the streets.

8 **Q.** And were you assigned to a vehicle while
9 you were a member of the Mod Squad?

10 **A.** Yes.

11 **Q.** I assume that was an unmarked vehicle?

12 **A.** That is correct.

13 **Q.** How long were you in that detail?

14 **A.** Oh, I am going to say '74, '75. I may be
15 mistaken.

16 **Q.** Where were you next assigned?

17 **A.** Oh, yeah. Well, the next assignment I had
18 was guarding the back door of the police
19 station, running the automatic elevator,
20 guarding license plates in the license bureau
21 after it closed, walking the cemetery. That was
22 about it.

23 **Q.** Where were you assigned to perform these
24 tasks, a district?

25 **A.** The Third District. Later before I

1 retired, Fourth District.

2 **Q.** How long did you do this job that you just
3 described?

4 **A.** The elevator and all that stuff?

5 **Q.** Well, you said you guarded a back door of
6 the police station.

7 **A.** That is correct.

8 **Q.** Which is the Third District police station?

9 **A.** Correct. And the front door. We must not
10 forget the front door.

11 **Q.** You guarded the front and rear door of the
12 Third District police station?

13 **A.** That is correct.

14 **Q.** And what did you do with the elevator?

15 **A.** I ran it.

16 **Q.** You ran the elevator?

17 **A.** I ran the automatic elevator.

18 **Q.** In the Third District?

19 **A.** That is correct.

20 **Q.** And then you said you guarded the license
21 plates?

22 **A.** The license bureau.

23 **Q.** The license bureau?

24 **A.** Yes, the license bureau was open from 8
25 until 4 and I worked it from 7 until 11.

1 **Q.** Seven in the morning?

2 **A.** Seven at night -- no, 11 at night until 7
3 in the morning.

4 **Q.** You were there to guard the license bureau
5 while it was closed?

6 **A.** No, I was there for punishment.

7 **Q.** Why were you there for punishment?

8 **A.** Because I wouldn't shut up. I have a big
9 mouth and I saw things that I didn't like, some
10 injustices and I spoke out about them and I
11 wouldn't back down.

12 **Q.** Let me finish the chronology of your career
13 and then we will come back and talk more about
14 that. Okay?

15 **A.** Okay.

16 **Q.** You said you also walked a cemetery?

17 **A.** Yes.

18 **Q.** The one downtown?

19 **A.** 9th Street.

20 **Q.** And how long --

21 **A.** Excuse me, that is not correct. I want to
22 make sure I tell you the absolute truth.

23 **Q.** That is fine.

24 **A.** I walked from -- I think it was either 9th
25 or 14th, I am not sure which one it was, to 22nd

1 and Prospect, with special attention given to
2 the cemetery.

3 Q. So you were walking the beat again?

4 A. Hmm, in a way, yes.

5 Q. And how long did you do that in the Third
6 District?

7 A. Until I went to the Fourth, and that was --
8 and I can't remember that date.

9 Q. Do you remember what year that was?

10 A. No.

11 Q. When did you first begin working at the
12 Fourth District?

13 A. I don't remember the year. But I was there
14 with Inspector Balaga, Balaga.

15 Q. Let me see if I can do it this way: How
16 long were you assigned to the Third District
17 where you did the tasks you just described?

18 A. Boy, I couldn't give you -- I am giving you
19 a general chronological order, but I couldn't
20 give you specific dates.

21 Q. Were you doing those tasks for years?

22 A. It was a long time. For me it was a long
23 time. I don't remember if it was years or not.
24 I don't think so. So that is the best I can
25 tell you.

1 **Q.** Approximately what year did you begin to
2 work at the Fourth District?

3 **A.** Again, sir, I couldn't honestly tell you,
4 because I don't remember.

5 **Q.** What decade?

6 **A.** In the '70s.

7 **Q.** So the work at the Third District you
8 described, and the work at the Fourth District,
9 were in the '70s?

10 **A.** Yes. That is my best recollection.

11 **Q.** That is fine. What did you do when you
12 moved from the Third District to the Fourth
13 District?

14 **A.** Well, let's see. I worked scooter patrol.

15 **Q.** Okay.

16 **A.** And then I was assigned to the exact same
17 thing I was doing in the Third District, with
18 respect to being sent to trouble spots and
19 handling anything that presented itself in front
20 of me.

21 **Q.** You are referring to when you worked in the
22 Third District Mod Squad?

23 **A.** I am referring to when I worked in the
24 Fourth District, but I did the same thing as
25 when I was in the Third District, yes.

1 **Q.** When you say scooter patrol, is that a
2 motorcycle?

3 **A.** No, it was a scooter.

4 **Q.** Describe it for me.

5 **A.** A scooter. It had -- I don't know how
6 to -- it was a one man scooter. It had a front
7 wheel, two wheels and it was a scooter.

8 **Q.** It was motorized?

9 **A.** Correct. Oh, no, I didn't do it by foot,
10 of course.

11 **Q.** I am trying to understand, because I wasn't
12 there.

13 **A.** Okay.

14 **Q.** How long were you in the Fourth District on
15 scooter patrol and doing what you previously did
16 for the Mod Squad in the Third District?

17 **A.** I was there a couple of years, and then I
18 went to community relations. Sir, I may have
19 that backwards, I may have had community
20 relations first and then the Fourth District or
21 the Fourth District and community relations. I
22 am not sure.

23 **Q.** In any event, those two assignments
24 followed your time in the Third District, where
25 you said you were guarding the doors and working

1 the elevator?

2 **A.** Absolutely.

3 **Q.** Is the community relations office, is that
4 the one that was in City Hall or is that --

5 **A.** No, that is the one that was in the Third
6 District, when you walked through the door of
7 the police station, it was to the right. It is
8 now a police museum, I do believe.

9 **Q.** And what were your jobs while assigned to
10 community relations?

11 **A.** I worked the community, I got involved with
12 groups that tried to help them in crime control.
13 I spoke to schools, I helped troubled teenagers
14 and troubled kids. I talked to them and did
15 magic shows for an elementary school and tried
16 to show them there was a better way.

17 **Q.** Part of what you did was sort of what
18 Officer Bob would do, if you know that
19 expression?

20 **A.** Who is Officer Bob?

21 **Q.** When a police officer goes to the school?

22 **MR. GILBERT:** I have never heard
23 of it either.

24 **THE WITNESS:** I am sorry, sir, I
25 don't know anything about an Officer Bob.

1 **MR. GILBERT:** I am sure he is
2 white too.

3 **BY MR. MALLAMAD:**

4 **Q.** It is a generational thing?

5 **A.** I am sure.

6 **Q.** How long were you in community relations?

7 **A.** I think it was until I left in '85.

8 **Q.** Is it a fair statement that you were in
9 community relations then for most of your
10 career?

11 **A.** Community relations?

12 **Q.** Yes.

13 **A.** No.

14 **Q.** Let me try to tell you what I understand to
15 be your career with the dates you have given me.
16 Okay?

17 **A.** I am not quite -- again, let me state for
18 you, I am not quite sure of the exact dates.
19 They were spread out and I did many different
20 things, which you have there. But I didn't
21 spend my entire time in community relation.

22 **Q.** No, I understand.

23 **A.** Okay.

24 **Q.** I am trying to get a sense of how long you
25 were assigned these different jobs with the

1 Division of Police.

2 So we know you came out of the academy in
3 '69 and worked the Vice Unit.

4 **A.** Correct.

5 **Q.** And then you walked a beat patrol?

6 **A.** Yes.

7 **Q.** From approximately 1970 to '71 or '72?

8 **A.** Yeah, maybe. Maybe '70. I did walk the
9 beat, yes.

10 **Q.** Your next job is to work the Mod Squad in
11 the Third District from, I am just recalling the
12 dates that you gave me, from approximately '72
13 to '74 or '75.

14 **A.** Um-hum.

15 **Q.** Is that correct?

16 **A.** That is close, yeah. As best I can
17 remember.

18 **Q.** Then after that, you were assigned to the
19 Third District, you said you were assigned these
20 tasks of guarding doors?

21 **A.** I was always in the Third District. That
22 was our home base, was the Third District, which
23 was on 21st and Payne. So the guarding of the
24 doors was at the Third District itself.

25 **Q.** No, I understand.

1 **A.** Okay.

2 **Q.** I am just trying to --

3 **A.** I wasn't transferred back there. I was
4 always there.

5 **Q.** I know. I am trying to figure out how long
6 you can tell me you were in these different
7 jobs.

8 **A.** Okay.

9 **Q.** We know you left the Mod Squad in '74 or
10 '75.

11 Can you tell me how long it was that you
12 worked at the Third District working the
13 elevator, guarding the doors, those jobs that
14 you described?

15 **A.** No.

16 **Q.** Was it a matter of years?

17 **A.** I don't know.

18 **Q.** It could have been a matter of just a few
19 weeks?

20 **A.** Sir, I cannot remember that. It has been a
21 while.

22 **Q.** So you can't tell me whether it may have
23 been a matter of a few weeks or it may have been
24 a matter of several years that you worked those
25 jobs that you said you received --

1 **MS. WANG:** Objection, asked
2 and answered.

3 **BY MR. MALLAMAD:**

4 **Q.** You can answer, sir.

5 **A.** It wasn't a couple of weeks, that is for
6 sure. How long it was after that, I couldn't
7 tell you.

8 **Q.** It could be, though, a matter of a few
9 months or it could be a matter of several years?

10 **MS. WANG:** Objection, asked
11 and answered. You are harassing at this point.

12 **THE WITNESS:** I couldn't tell
13 you.

14 **BY MR. MALLAMAD:**

15 **Q.** When you went to the Fourth District, when
16 you began the scooter patrol, can you tell me
17 what year that was?

18 **A.** No.

19 **Q.** Can you tell me what decade that was?

20 **A.** Again, in the '70s.

21 **Q.** And how long were you in the Fourth
22 District doing scooter patrol and working
23 trouble spots?

24 **A.** Sir, I couldn't tell you.

25 **Q.** You said before, Mr. Turner, you weren't

1 sure whether you did -- how long were you
2 assigned to work in community relations?

3 **A.** I believe that was in the '80s.

4 **Q.** How many years did you do that, if it was,
5 in fact, years?

6 **A.** That I couldn't tell you.

7 **Q.** Sometime in the '70s, though, you were
8 assigned to the Fourth District scooter patrol
9 and you worked trouble spots?

10 **A.** Correct.

11 **MS. WANG:** Asked and answered.

12 **BY MR. MALLAMAD:**

13 **Q.** At some point in the 1980s, you were
14 assigned to the Community Relations Unit?

15 **MS. WANG:** Objection, asked
16 and answered.

17 **THE WITNESS:** Correct.

18 **BY MR. MALLAMAD:**

19 **Q.** Is that where you worked until you retired?

20 **A.** I believe so.

21 **Q.** Mr. Turner, the written materials that you
22 received as a police officer from the City of
23 Cleveland, is it a fair statement they
24 instructed you to act in accordance with the
25 Constitution?

1 **MS. WANG:** Objection, vague,
2 as far as written materials.

3 **THE WITNESS:** There was never, to
4 the best of my knowledge, anything that said
5 according to the U.S. Constitution.

6 **BY MR. MALLAMAD:**

7 **Q.** Were you ever provided any written
8 materials from the Division of Police that ever
9 told you to act contrary to the Constitution?

10 **MR. GILBERT:** Are you saying with
11 the word "Constitution," were the words
12 Constitution specifically in the document?

13 **BY MR. MALLAMAD:**

14 **Q.** How about we start with that.

15 **A.** I never saw, to the best of my knowledge,
16 anything that said "According to the U.S.
17 Constitution," no. May I clarify that?

18 The closest I got to that was search and
19 seizure.

20 **Q.** What can you tell me about that?

21 **A.** It dealt with search warrants, it basically
22 dealt with search warrants.

23 **Q.** And the written material that you received,
24 whether it be a general police order, other
25 training materials, whatever it was that was

1 given to you in writing, or to which you had
2 access to as a police officer, did those
3 materials instruct you to act in accordance with
4 the law, when it comes to searches?

5 **A.** Correct.

6 **Q.** And seizures?

7 **A.** Correct.

8 **Q.** Were you ever trained in any respect while
9 you were a member of the Division of Police to
10 act contrary to the law?

11 **A.** To have a class or to go to school for
12 that, no. To be a part of that in actual police
13 conduct, yes.

14 **Q.** I am sorry, sir?

15 **A.** To be trained to that, as far as going to a
16 school, no. But to be a part of the actual
17 police activity while on the street, yes.

18 **Q.** You are saying yes to what?

19 **A.** With respect to doing something
20 controversial or different from the U.S.
21 Constitution.

22 **Q.** You were trained as a police officer to act
23 contrary to established law?

24 **A.** No, I didn't say that. I said, as far as
25 being trained in a school to break the U.S.

1 Constitution, the answer is, no.

2 But as far as being a part of police
3 activity, the answer would be yes.

4 **Q.** Who trained you as part of police activity
5 to act --

6 **A.** Nobody. Okay, sir, listen. I don't know
7 how to make this any plainer to you. No one
8 trained me to -- it was the norm, you were
9 there, you saw it, you either participated in it
10 or you didn't, and I chose not to do it.

11 **Q.** Tell me -- I want to just focus on just you
12 right now. Did any superior officer, Sergeant,
13 Lieutenant, all the way up the chain of command,
14 senior officer, field training officer, ever
15 train you or instruct you to conduct yourself as
16 a police officer in violation of the law?

17 **A.** I don't know how to answer that. Because I
18 have already answered it.

19 Everybody, Sergeants, the Lieutenants and
20 the Captains knew what was going on on the
21 street, they knew the violations that were
22 happening. With respect to the violation of the
23 laws on the police department, in the police
24 department, and it was okay.

25 **Q.** Okay. This may take a while. I want to

1 make sure you take your medicine at 2:00?

2 **A.** I am going to take my medicine, sir.

3 **Q.** Let me tell you what time it is.

4 **MR. GILBERT:** It is not even a
5 quarter of yet. So we have time.

6 **BY MR. MALLAMAD:**

7 **Q.** Tell me every occasion that you have
8 firsthand knowledge of a Cleveland police
9 officer violating the Constitution or any state
10 or Federal law.

11 **A.** Search and seizure was a good reason.
12 There was never probable cause to pull over --
13 and I am going to be very specific -- people of
14 minority. Okay. And many times, I would object
15 to that vocally, and I was kind of like shunned,
16 or I wasn't part of the group.

17 **Q.** Okay.

18 **A.** I would like to finish.

19 **Q.** Go ahead.

20 **A.** That existed a lot. You would see a black
21 guy driving a car, and God, don't let him have a
22 white woman with him. That happened to me many
23 times. And I was pulled over for BWB.

24 Search and seizure was one, no probable
25 cause was another. Smacking people around was a

1 third. Becoming physically violent, shaking
2 people down, taking peoples' property, changing
3 the facts in an arrest, evidence disappearing,
4 even now. I have firsthand knowledge even now
5 of that crap going on.

6 **Q.** Any other things?

7 **A.** That is enough for now.

8 **Q.** You have listed by my count, eight
9 different things. The first was that you said
10 yourself, you were pulled over without probable
11 cause?

12 **A.** Correct.

13 **Q.** Tell me the occasions you were pulled over
14 without probable cause.

15 **A.** Well, let's see, once I was on 71st between
16 Woodland and Carnegie, I got pulled over. They
17 didn't spend time talking to me, they spent time
18 looking at her. She was white, by the way.

19 **Q.** Okay. When did that happen?

20 **A.** That was in the '70s.

21 **Q.** Can you be more specific?

22 **A.** No. I would really have to try and -- I
23 was in the Fourth District, I think, I think.

24 **Q.** Would this have been the late '70s?

25 **A.** In the '70s. I was in the Terminal Tower,

1 and Captain Eddie told me he was tired of seeing
2 me with white women. And I told him "I will
3 clean this up."

4 I told him that he was full of a word that
5 starts with S, ends with T and has hi in the
6 middle; and if he didn't like what I did, it was
7 none of his damn business. Bigotry is alive and
8 well, still is.

9 **Q.** I need to ask you about the times you were
10 pulled over without probable cause. The one
11 time.

12 **A.** That is another one, that is another issue.

13 I was on Carnegie and 105, I got pulled
14 over.

15 **Q.** These are by patrol officers?

16 **A.** Yes. God don't let me go on the west side
17 back in the '60s.

18 **Q.** Okay. The time you were pulled over on
19 71st and Woodland or Carnegie, all you can tell
20 me is sometime in that ten year period in the
21 1970s?

22 **A.** The officer was Moff, M-o-f-f.

23 **Q.** Okay. He was a patrol officer?

24 **A.** Correct.

25 **Q.** As far as when it happened, all you can

1 tell me is that it was sometime in that decade?

2 **A.** Correct.

3 **Q.** When you were pulled over, you were
4 describing a second time, 105th?

5 **A.** 105th, I think it was Euclid or Carnegie, I
6 was heading towards the lake. I got pulled
7 over.

8 **Q.** By patrol officers?

9 **A.** Yes.

10 **Q.** When did that happen?

11 **A.** Again, I would say that was sometime in the
12 '70s.

13 **Q.** Are you able to be more specific?

14 **A.** No. I can tell you the incident, I can't
15 tell you the time.

16 **Q.** So sometime during that ten year period is
17 when it occurred?

18 **A.** Absolutely. That is the second time.

19 **Q.** Okay.

20 **A.** I was at the lake on East 72nd --

21 **Q.** Is this a third time you are telling me
22 now?

23 **A.** Yeah, I am just getting started.

24 **Q.** Okay.

25 **A.** I was on a blanket by the lake, up by the

1 old, I think that building was the aquarium, the
2 aquarium, getting the stuff out of the car, and
3 I got harassed.

4 Q. By patrol officers?

5 A. Yes, by patrol officers. Oh, yeah.

6 Q. When did that occur?

7 A. Again, that was in the '60s. That was late
8 in the '60s.

9 Q. Were you a police officer?

10 A. Yes, I was a police officer.

11 Q. So it had to be '69?

12 A. '69 or maybe '70.

13 Q. And again, I assume this gets into the
14 category where you are saying you were being
15 stopped without probable cause by --

16 A. Correct. All I am telling you now is being
17 stopped without probable cause.

18 Q. Are there any other occasions besides the
19 three you have mentioned where you were stopped
20 without probable cause?

21 A. Yes. I was at Edgewater Park one time. I
22 was at Edgewater Park and I was followed from
23 East 55th, I was followed for awhile, and when I
24 pulled into Edgewater Park, the lights came on
25 and I pulled over.

1 I was sitting on my steps one day --

2 Q. I want to finish Edgewater Park. Were
3 those patrol officers?

4 A. Yes.

5 Q. When did that occur?

6 A. Sir, I am going to tell you again. The
7 incidents are fresh in my mind, because it is
8 very, very insulting and I don't like bigots.

9 Q. Okay.

10 A. But specific dates, no.

11 Q. How about the decade it occurred?

12 A. '70s.

13 Q. Sometime during that ten year period?

14 A. Correct.

15 Q. Any other times you were stopped without
16 probable cause?

17 A. Oh, yeah. I was driving on my street, I
18 live on 36th street between Central and Cedar,
19 and I don't know if this falls into being
20 stopped, but I pulled over to go into my home
21 and the lights came on. And I couldn't even get
22 up my steps. Okay?

23 Q. Those were all patrol officers?

24 A. Yes. I don't think I have ever been
25 stopped by a Lieutenant or -- I know Captain

1 Eddie gave me a rough time, but that didn't
2 last.

3 Q. When did the incident occur that happened
4 in front of your house?

5 A. In the '70s.

6 Q. Somewhere during that ten year period?

7 A. Yes.

8 Q. Any other occasions when you were stopped
9 without probable cause?

10 A. Yeah, there are a bunch more. I am just
11 trying to remember. I was in my car on the
12 shoreway, I got stopped. I wasn't speeding.
13 Those were also police officers.

14 Q. Patrol officers?

15 A. Um-hum.

16 Q. You have to say yes or no.

17 A. Yes, that is correct. I was stopped on --

18 Q. Let me ask you this before you move on.
19 When did that occur?

20 A. I am giving you incidents from the '70s
21 right now.

22 Q. Again, this is sometime during that ten
23 year period?

24 A. That is correct.

25 Q. You can't be more specific about any of

1 these six we have talked about other than it
2 happened in that decade?

3 **A.** Well, no, there are a lot more than six.

4 **Q.** I know, we are going to go on here. I want
5 to make sure that the six you described --

6 **A.** I couldn't give you specific dates.

7 **Q.** And you can't tell me whether that was the
8 early '70s, mid or late '70s?

9 **MR. GILBERT:** Objection. I think
10 he said the '70s.

11 **THE WITNESS:** To answer your
12 question, no.

13 **BY MR. MALLAMAD:**

14 **Q.** What was the next time you were stopped?

15 **A.** I was stopped with my partner one time.
16 His name is Carl Walker, badge number was 2254,
17 I think. The lady he was with was Domita, and
18 we were stopped downtown, I think. Again, in
19 the '70s.

20 **Q.** Patrol officers?

21 **A.** That is correct. Fleet Avenue was another
22 time, Fleet or it may have been East 49th, I am
23 not sure. It was one of those.

24 **Q.** Patrol officers?

25 **A.** Yes.

1 **Q.** In the '70s?

2 **A.** Yes. Track Avenue was another time. Track
3 is the street that runs between Broadway and
4 55th, but you have to go -- then there is a
5 bridge called Jackass Bridge and Praha, it went
6 all the way to -- which is now an overpass,
7 going to Bessemer. There is a school there
8 named Myron T. Herrick, St. Alexis Hospital was
9 there. So --

10 **Q.** Were you stopped by patrol officers?

11 **A.** Yes, I was.

12 **Q.** Was that also in the '70s?

13 **A.** Yes, it was.

14 **Q.** Mr. Turner, it is three minutes to two.

15 **A.** 2:00. I can go for three minutes.

16 **Q.** Any other times when you were stopped
17 without probable cause?

18 **A.** Yeah, but that is just off the top of my
19 head. There are more, but I just can't think of
20 anything right now.

21 **Q.** If you can recall them during your
22 deposition, will you tell me?

23 **A.** Yes.

24 **Q.** On these nine occasions when you say you
25 were stopped by patrol officers without probable

1 cause, first of all, I assume these were all
2 Cleveland patrol officers?

3 **A.** Absolutely. Suburbs have their part, but
4 we are just talking about Cleveland.

5 **Q.** Did you lodge a complaint with anybody in
6 the Division of Police about having been stopped
7 without probable cause?

8 **A.** Yes, sometimes I did.

9 **Q.** And which of these occasions did you?

10 **A.** I am not sure. There were times I handled
11 it myself.

12 **Q.** When you say you handled it yourself, what
13 do you mean?

14 **A.** I made it very plain that if they felt
15 froggy, then they should leap.

16 **Q.** Let me ask you about the times when you
17 actually complained to the Division of Police
18 about having been stopped by patrol officers
19 without probable cause.

20 **A.** Nothing happened.

21 **Q.** I want to ask you, can you tell me which of
22 the occasions you described --

23 **A.** No, I can't tell you that. I can tell you
24 nothing ever happened.

25 **Q.** Can you tell me who you ever complained to

1 about having been --

2 **A.** Samuel --

3 **Q.** Just a second. -- having been stopped
4 without probable cause by a patrol officer?

5 **A.** Lieutenant Orinski, Daniel Stevens, he was
6 a Sergeant, Lieutenant Seitz, George Seitz,
7 Richard Inocenze.

8 **MS. WANG:** Inocenze?

9 **THE WITNESS:** Inocenze.

10 **BY MR. MALLAMAD:**

11 **Q.** What was his rank?

12 **A.** Sergeant.

13 (Thereupon, a recess was taken.)

14 **BY MR. MALLAMAD:**

15 **Q.** Mr. Turner, when you talked about being
16 tasked with guarding the doors at the Third
17 District, operating the elevator, guarding the
18 license bureau when it was closed, who was your
19 supervisor at the time?

20 **A.** Well, any shift that came on -- see, they
21 change once a month. So any supervisor from any
22 shift that worked the night shift, night shift,
23 was my supervisor.

24 **Q.** Who assigned you to that detail?

25 **A.** Oh, this came directly from the Chief's

1 office.

2 Q. Who told you that you were assigned there,
3 the Chief of Police himself?

4 A. No, one of his cronies. I don't remember
5 which one it was.

6 Q. When you say "cronies" --

7 A. I mean what I said. One of his people that
8 would do anything, because they weren't part of
9 the solution, they were part of the problem.

10 Q. Was this person a police officer?

11 A. No, it was always a Lieutenant, Sergeant,
12 Lieutenant, called me off to the side, "Ron,
13 listen, you have been reassigned."

14 "Okay."

15 "Report to the license bureau. Come to the
16 Third District, get the keys, open the door and
17 lock yourself in."

18 Q. Who told you that, to do that?

19 A. One of the supervisors, whoever was on that
20 shift. I don't remember. It could have been
21 Orinski, Seitz, I don't know; I don't know who
22 the supervisor was.

23 Q. It was either a Sergeant or Lieutenant
24 then?

25 A. Correct.

1 **Q.** And then you stayed doing those tasks at
2 the Third District for a period of time?

3 **MS. WANG:** Objection, asked
4 and answered.

5 **THE WITNESS:** There were no
6 tasks, sir. There was nothing to do.

7 **BY MR. MALLAMAD:**

8 **Q.** I understand. The things you were asked to
9 do?

10 **A.** There was nothing to do.

11 **Q.** It was just the one occasion where you were
12 told "This is going to be your assignment"?

13 **MS. WANG:** Objection,
14 mischaracterizes the witness' testimony. Asked
15 and answered.

16 **THE WITNESS:** The one time is all
17 it took.

18 **BY MR. MALLAMAD:**

19 **Q.** That is all I am asking the one time. It
20 was that Sergeant or Lieutenant?

21 **A.** Correct. They didn't come back and say
22 "You can go now." I was there until whenever.

23 **Q.** Did you say before that you were given that
24 assignment as a punishment?

25 **A.** That is correct.

1 **Q.** That was a punishment for speaking out?

2 **A.** That is correct.

3 **Q.** What were you speaking out about?

4 **A.** I spoke out about the way minorities were
5 treated, I spoke out about police corruption, I
6 spoke out about how poor people were treated,
7 et cetera.

8 **Q.** The et cetera part, is there anything else
9 you can tell me besides --

10 **A.** That is basically what it was.

11 **Q.** How did you speak out, was this in writing
12 you would file a report of some sort or did
13 you --

14 **A.** I was interviewed on the radio about the
15 deplorable conditions in the police department,
16 why morale was so bad, what needs to be done,
17 and I gave examples of situations that existed
18 at that time.

19 **Q.** Was this the one occasion that you spoke on
20 the radio?

21 **A.** No, I had spoken before. Let me put it
22 this way: I had been warned unofficially that I
23 could not do what I was doing. It was contrary
24 to the book of rules.

25 And my response was, "What I do on my day

1 off, on my own time, is none of your business,
2 as long as I don't break the law. I am fine. I
3 am not going to let you intimidate me either."

4 **Q.** Who issued you that warning?

5 **A.** I am going to say Inocenze. I may be
6 mistaken, but I kind of remember going round and
7 round with him about it.

8 **Q.** Sergeant Inocenze?

9 **A.** Correct.

10 **Q.** How many times did you end up speaking on
11 the radio until you were assigned these tasks in
12 the Third District?

13 **A.** It just wasn't the radio, sir, if I may be
14 more specific. It was schools. I was told I
15 could not go to a school on my day off and speak
16 to young people about crime and crime prevention
17 and what to do and how to do it. Now they have
18 a whole department that does it.

19 **Q.** I am just trying to understand what you
20 said. I thought you said you were on the radio
21 talking about --

22 **A.** That was one of the other times. I mean,
23 radios, newspaper interviews. We, my partners
24 and I were very controversial, very
25 controversial.

1 **Q.** I am just trying to understand, I wasn't
2 there. You spoke on the radio on more than one
3 occasion?

4 **A.** Correct.

5 **Q.** You spoke in front of students?

6 **A.** Correct.

7 **Q.** You were interviewed for the newspaper?

8 **A.** Correct.

9 **Q.** And were all these occasions about how
10 minorities were being treated?

11 **A.** Not all, sir, no, not all.

12 **Q.** But at some point, you believe that
13 Sergeant Inocenze warned you that you have to
14 stop doing this?

15 **A.** That is correct.

16 **Q.** And then I assume you didn't stop doing it?

17 **A.** They are not going to tell me what to do.
18 No, I did not stop doing it.

19 **Q.** Then you were assigned these tasks in the
20 Third District?

21 **A.** Oh, yes. I would like to give you another
22 example too. They would send detectives to sit
23 in on my lectures at community colleges, at
24 community college, and some of the high schools.

25 **Q.** Mr. Turner, you never worked as a detective

1 for the Division of Police; is that correct?

2 **A.** No, that is not correct.

3 **Q.** You did work as a detective?

4 **A.** Yes, sir, that is correct.

5 **Q.** When did you work as a detective?

6 **A.** In the '70s, maybe some in the '80s.

7 **Q.** What units?

8 **A.** Again, special downtown unit, that is what
9 we called it. The newspapers and everybody else
10 named us the Mod Squad. Community relations.
11 That is it.

12 **Q.** You were never assigned to be a detective
13 in the homicide unit; is that a fair statement?

14 **A.** No, I was never in the homicide unit.

15 **Q.** Is it a fair statement that you don't know
16 what training the detectives who were assigned
17 to the homicide unit received?

18 **A.** No.

19 **Q.** That is not a fair statement?

20 **A.** That is a fair statement.

21 **Q.** Is it a fair statement that you don't have
22 any firsthand knowledge of any homicide
23 detective -- strike that.

24 Did you ever receive any promotions while
25 on the job?

1 **A.** No.

2 **Q.** Any demotions --

3 **A.** No.

4 **Q.** -- in rank? Any commendations?

5 **A.** Yes.

6 **Q.** Did you ever serve as an academy
7 instructor?

8 **A.** No.

9 **Q.** Did you ever teach at Tri-C?

10 **A.** Yes.

11 **Q.** What did you teach at Tri-C?

12 **A.** I taught the martial arts there.

13 **Q.** Anything involving police practice or law
14 enforcement?

15 **A.** I had a lot of policemen there. And they
16 wanted to take the class. But specifically, no.

17 **Q.** You never served as an in-service
18 instructor during your career for officers
19 regarding any particular subject?

20 **A.** No. I taught them privately.

21 **Q.** Were you ever disciplined while on the
22 job --

23 **A.** Oh, all the time.

24 **Q.** -- where you received anything from a
25 written reprimand to a suspension?

1 **A.** Yes.

2 **Q.** Tell me the times you were disciplined.

3 **A.** Okay. Let's see. I received an oral
4 discipline for telling a prisoner in jail,
5 because I called him a flaming rectal orifice.
6 I was not going to swear, it is not my demeanor,
7 but I put it in such a way that he knew that I
8 was not happy with his conduct.

9 **Q.** Okay.

10 **A.** And I was disciplined, or given a verbal,
11 that is what it was.

12 **Q.** Any other time you were disciplined besides
13 that one occasion?

14 **A.** May I finish this?

15 **Q.** Yes. I am sorry, I thought you were done.

16 **A.** No. It is important that you understand
17 the dynamics of this police department. So I
18 stepped back and I said, "Show me how to do it.
19 You are upset."

20 And he went to the bar and he said,
21 "Listen, this is what I want." And the guy spit
22 on him.

23 I said, "Well, I am not going to let that
24 happen. So I am glad you showed me what not to
25 do." And that infuriated him.

1 "I am going to do this, I am going to do
2 that, I am telling you right now, this is your
3 oral discipline and I am going to mark it in
4 your file."

5 I said, "Knock yourself out."

6 I was disciplined for another -- they
7 didn't have the courage to put this in writing,
8 unless they could fabricate something. So I was
9 disciplined, another verbal by Joseph Sindell,
10 Lieutenant Sindell, who called me all kinds of
11 names, because I disobeyed his order. I
12 disobeyed his order. And that I did, I am not
13 denying it.

14 He told me that on Friday night and
15 Saturday night, I was not allowed to do
16 narcotics work in the Fourth District. And he
17 went -- he pushed the issue a little bit too
18 far, he was cussing and yelling and screaming
19 and I politely told him, "If you cuss at me one
20 more time, I am going to come behind that desk
21 and when I get through with you, your mama won't
22 recognize you. And if you think I am playing,
23 say it again." And I meant that.

24 Sir, I am looking at you and telling you
25 straight to your face, I meant that. And he

1 knew I meant it. And he shut the hell up.

2 And then I went to Inspector Balaga and
3 told him this guy was a pompous ass. Why do you
4 take a guy off the street that is buying dope on
5 Friday and Saturday night in the district? That
6 doesn't make any sense.

7 But I had said something he didn't like,
8 and that is the way it works. You do something
9 they don't like, you are not in the group, you
10 are not in the clique, you get punished for it.

11 Q. Did you ever receive any discipline that
12 was reduced to writing?

13 A. Yeah, all the time, yeah.

14 Q. Let me ask you about those. Which of those
15 can you tell me about?

16 A. Well, let's see. I was fired for two years
17 because I was on the radio and I talked about
18 all the corruption and all the crap that goes on
19 in this department, all the things that I have
20 seen, but I would not be a part of, just like I
21 told you.

22 As an example, I said -- and I say it
23 now -- there is no crime that is allowed to
24 exist, key word here is continuously, without
25 one, the knowledge of the police department,

1 and, two, its permission.

2 I said those things which nobody wanted to
3 hear. But that is not what I got fired for. I
4 got fired because I said I was placed in the
5 license bureau for punishment, punishment. All
6 that stuff I said which was true, they wouldn't
7 touch. But the statement about punishment was
8 detrimental to the image of the police
9 department. What image?

10 Q. When were you terminated?

11 A. Oh, boy. That was in the '70s, and I got
12 my job back two years later with full
13 reinstatement, full back pay.

14 Q. Was that through your union that you
15 grieved that?

16 A. No, no.

17 Q. How did you get your job back?

18 A. I fought it.

19 Q. When you say you fought it --

20 A. I fought it in court.

21 Q. You filed a lawsuit?

22 A. That's correct.

23 Q. Is that the lawsuit before Judge Thomas or
24 a different lawsuit?

25 A. That was a different lawsuit.

1 **Q.** I assume that was against the City of
2 Cleveland?

3 **A.** That is correct.

4 **Q.** After that lawsuit, you somehow got your
5 job back?

6 **A.** It wasn't somehow. I won, because what I
7 said had merit and it was the truth.

8 **Q.** I am trying to figure out, Mr. Turner, just
9 again the chronology of your work here.
10 Sometime during that 16 year period, 17 year
11 period -- or 16 year period, between '69 and
12 '86 --

13 **A.** '85.

14 **Q.** -- '85, you were not working as a police
15 officer, you had been terminated for a two year
16 period?

17 **A.** Correct, about two years.

18 **Q.** You think that was in the '80s or the '70s?

19 **A.** Sir, again, I am not sure. You would have
20 to -- I am not telling you what to do, you would
21 have to get the right file this time and look at
22 it.

23 **MR. GILBERT:** It is in the file
24 that you sent us in Dropbox, the letter from a
25 lawyer and all that.

1 **MS. WANG:** There are some
2 things in the file that appear to relate to him
3 and some that don't.

4 **BY MR. MALLAMAD:**

5 **Q.** Any other discipline in writing, besides
6 the termination?

7 **A.** Yes. There was a concert at City Hall,
8 there was a concert at City Hall, and Inspector
9 Antel called in off the street, and the
10 conversation went like, "The newspaper says that
11 they are smoking dope, and dope is passing like
12 wildfire. What do you think can be done about
13 it? Because narcotics says there is nothing
14 they can do."

15 I said, "There are no narcotic officers
16 there, so how can they do something if they are
17 not there?"

18 So he said, "Well, can you handle it?"

19 I said, "Of course we can."

20 All I needed was two spotters, that is all
21 I requested, of my choosing, and we went into
22 public hall and started popping them off like
23 flies. And the next day, we have 20 or 30 dope
24 heads in front of the judge.

25 Well, it got to the point that Jules Belkin

1 got in my face and said, at a concert, "What are
2 you guys doing?"

3 I said, "We are working."

4 He said, "Do you know who I am?"

5 I said, "No."

6 He said, "I am Jules Belkin."

7 I said, "Okay."

8 He said, "I want you to stop."

9 I said, "No."

10 He said, "I am Jules Belkin."

11 I told him, "I don't care if you were Moses
12 in search of the Ten Commandments, I am not
13 going to stop."

14 So they went and got a superior officer,
15 who just happened to be Richard Inocenze, and he
16 ordered us to leave. So we left.

17 The next week or so, we were brought up on
18 charges, suspended for ten days, without pay, by
19 the way, and I got my back pay from that too.

20 **Q.** What was the charge?

21 **A.** Charges?

22 **Q.** Yes.

23 **A.** Conduct unbecoming an officer, failure to
24 obey a direct order, not showing my
25 identification when asked, which is the dumbest,

1 asinine thing there, working a split shift and
2 general disrespect for Inocenze. That didn't
3 fly either.

4 **Q.** Was that grieved through your union?

5 **A.** No. I defended myself before the Civil
6 Service Commission. The five members of the
7 Civil Service Commission unanimously,
8 unanimously, said that I was a hundred percent
9 right, and ruled against the city -- no, ruled
10 against the Division of Police.

11 It was after that then I started getting
12 all those choice jobs.

13 **Q.** Was any of the discipline in writing,
14 besides the jail incident, and this matter
15 involving Jules Belkin?

16 **A.** Yeah.

17 **Q.** If you can, just tell me what the
18 discipline was and maybe we will have time to
19 have you elaborate.

20 **A.** If you don't understand the whole story, it
21 makes no sense. You will ask me a bunch of
22 questions that I will have to repeat over and
23 over and over again.

24 I got -- in our work downtown, we went back
25 on charges because we misappropriated evidence.

1 The evidence was a fake ring and a fake watch.

2 The ring -- let me tell you about the watch
3 first. The watch was a Hormalton,
4 H-o-r-m-a-l-t-o-n, Hormalton. So they will take
5 the hands of the watch and block out some of the
6 letters and it looks like a Hamilton.

7 So the watch costs -- from Freider's, which
8 used to be -- maybe \$2 and they were selling it
9 for 50.

10 So we took that, I think it was on a
11 Friday, I think it was a Friday, I may be
12 mistaken, and we took that watch and that ring
13 and put it in my desk and entered it into the
14 property book on Monday and then transferred it.

15 Well, that delay was -- I am sorry -- that
16 delay was messing with evidence. It was that
17 nitpicky stuff all the time I had to go through.

18 Q. Have you ever spoken to Ricky Jackson?

19 A. Sorry?

20 Q. Have you ever spoken to Ricky Jackson, one
21 of the Plaintiffs in this case?

22 A. No.

23 Q. Wiley Bridgeman?

24 A. No, sir.

25 Q. Kwame Ajamu?

1 **A.** No, sir.

2 **Q.** What do you know about the issues in this
3 lawsuit?

4 **A.** I talked to Attorney Gilbert and I talked
5 to Attorney Greene. They explained to me that
6 they were three males who had done an enormous
7 amount of time in prison for a crime that they
8 didn't commit, and they wanted to know of my
9 knowledge of the practices of the police
10 department, which I told them. That is all I
11 know of this case.

12 **Q.** Did you contact Mr. Gilbert or did
13 Mr. Gilbert contact you initially?

14 **A.** Mr. Gilbert contacted me.

15 **Q.** Do you know how Mr. Gilbert got ahold of
16 your number?

17 **A.** He has had it.

18 **Q.** He has had it since --

19 **A.** Since I have known him.

20 **Q.** How long have you known Mr. Gilbert?

21 **A.** Since I have been -- I don't know.
22 Forever, I guess.

23 **Q.** Since the '60s?

24 **MR. GILBERT:** I don't know.

25 **THE WITNESS:** I don't know.

1 **BY MR. MALLAMAD:**

2 **Q.** Since the '70s?

3 **A.** Sir, I don't know. As long as I -- I
4 became a policeman in '69. I don't know when he
5 became a lawyer. But I have known him for a
6 long time.

7 **Q.** Are you friends with Mr. Gilbert?

8 **A.** Well, we don't go to dinner together, if
9 that is what you mean, no.

10 **Q.** Are you social -- you are not social
11 friends?

12 **A.** No.

13 **Q.** Tell me about -- is there anything more
14 that Mr. Gilbert or Ms. Greene talked to you
15 about the lawsuit, other than what you
16 described?

17 **A.** No.

18 **Q.** Did you ever speak with Ms. Wang?

19 **A.** No, I met her today for the first time.

20 **Q.** Did you ever speak with William Tell?

21 **A.** The last time I saw William Tell was many
22 years ago, and not anything about this case.

23 **Q.** Let's take a short break here. Let me talk
24 to my co-counsel.

25 (Thereupon, a recess was taken.)

1 **BY MR. MALLAMAD:**

2 **Q.** Are you ready to proceed?

3 **A.** I am ready, sir.

4 **Q.** Mr. Turner, on how many occasions did you
5 speak with Terry Gilbert or Jacqueline Greene
6 about this matter?

7 **A.** Twice.

8 **Q.** Tell me what you told them on those
9 occasions.

10 **A.** Well, the last time I spoke to him was
11 today, and we just verified the time, and he
12 asked me about my indictment. I told him I was
13 never indicted.

14 **Q.** Okay.

15 **A.** The time before that is when we talked
16 about what he -- as I told you already, a little
17 bit about this case and how he wanted to pick my
18 brain.

19 I spoke to Ms. Greene today, to get a
20 verification of the time and the first time I
21 talked to Ms. Greene was when she was with
22 Mr. Gilbert and we discussed what I said about
23 this case, what limited things I know about this
24 case, and my testimony, or what I knew about the
25 workings of the police department. That is it.

1 **Q.** You were not involved in the investigation
2 of the May 1975 murder of Harold Franks, were
3 you?

4 **A.** Oh, no.

5 **Q.** So you don't have any firsthand knowledge
6 about the investigation; is that correct?

7 **A.** That would be correct.

8 **Q.** And I believe you already testified,
9 Mr. Turner, that you never were a detective in
10 the Homicide Unit of the Cleveland Police
11 Department?

12 **A.** That is correct.

13 **Q.** Do you have any firsthand knowledge of any
14 Cleveland homicide detective violating anyone's
15 constitutional rights prior to the May 1975
16 murder of Harold Franks?

17 **A.** Yes.

18 **Q.** What is that firsthand evidence?

19 **A.** Shankland, his name was Detective
20 Shankland, and his brother was a judge, I think,
21 I think.

22 And I was -- boy, I was in the cafeteria,
23 fourth floor of the Justice Center or at Abby's,
24 which is directly across the street, and they
25 were bragging about taking property or taking

1 things on a dresser. So, yes.

2 Q. Is that the end of your answer?

3 A. Yes.

4 Q. Shankland was a homicide detective?

5 A. Yes, Shankland and Fuerst, oh, his name is
6 Fuerst. It was Shankland and Fuerst and his
7 brother, the judge, was Norman Fuerst.

8 Q. And you were in the cafeteria or someplace
9 and overheard?

10 A. They sat right next to me.

11 Q. I am trying to understand. On this
12 occasion, you say you overheard Shankland and
13 Fuerst discussing what?

14 A. Discussing how they profit, that is the
15 word that I remember, how they profit in what
16 they take.

17 Q. What exactly did they say?

18 A. How they profit from taking things out of a
19 house, I guess it was a house.

20 Q. You mean stealing?

21 A. Well, they didn't say stealing. They used
22 the word "profit."

23 Q. And your testimony is that Shankland and
24 Fuerst were homicide detectives when you
25 overheard this conversation?

1 **A.** That is correct.

2 **Q.** And what year was that?

3 **A.** '80, in the '80s.

4 **Q.** So prior to May of 1975, do you have any
5 firsthand knowledge of any homicide detective
6 for the City of Cleveland's Division of Police,
7 violating anyone's constitutional rights as part
8 of an investigation or prosecution?

9 **A.** I have knowledge of homicide violating
10 rights, but wait, I want to try and tell you the
11 truth. There was a shooting, somebody was
12 killed, thus homicide, in Woodhill Park, and
13 homicide -- I am trying to give you the exact
14 thing. This is important, so I am trying to
15 give it to you exactly as I remember it. It has
16 been a while.

17 But homicide, I think they were searching
18 for a gun, Homicide Division searching for a gun
19 that related to a shooting in the park. And
20 they couldn't find the gun and they scoured it,
21 they scoured the park.

22 Then that day or the next day, some
23 Sergeants or somebody went with a flashlight and
24 found the gun, where 40 policemen couldn't, with
25 a flashlight in the dead of night in Woodhill

1 Park and presented that gun to homicide and they
2 charged those guys.

3 And I think that is, not only is it morally
4 wrong, but it is a direct violation of their
5 rights.

6 Q. Were you present during any of this time?

7 A. No.

8 Q. So you don't have any firsthand knowledge
9 of what you just said?

10 A. I know they scoured the park, I know that,
11 because I was there, I just sat and watched.

12 Q. You were there as you watched other police
13 officers scour a park for a gun related to a
14 shooting?

15 A. Correct.

16 Q. You were not involved in the actual search
17 yourself?

18 A. No.

19 Q. And then you hear that the next day a
20 Sergeant finds a gun?

21 A. Correct. From Woodhill Park.

22 Q. You don't have any firsthand knowledge of
23 the Sergeant's activity?

24 A. Be more specific.

25 Q. You weren't there when the Sergeant was

1 searching?

2 **A.** I saw -- the answer to that question would
3 be yes. I saw the brass, the Sergeant and
4 Lieutenants and the men, and I saw the
5 flashlights, and I kind of said, "Okay. Here we
6 go." It was asinine.

7 **Q.** Mr. Turner, let me ask you this: What
8 district is Woodhill Park in?

9 **A.** The Fourth.

10 **Q.** There is a shooting at Woodhill Park?

11 **A.** Correct.

12 **Q.** You are a patrol officer at the time?

13 **A.** No, I may have been a detective; I don't
14 know.

15 **Q.** In any event, you are not involved in this
16 investigation of the shooting?

17 **A.** No.

18 **Q.** You were in a car watching the other
19 officers search for a gun?

20 **A.** Yes.

21 **Q.** And you were saying that you were there the
22 next day?

23 **A.** No.

24 **Q.** I thought you said that it was the next day
25 that a Sergeant went out there with a flashlight

1 and finds a gun?

2 **A.** No, that is the day I am talking about.

3 The next day, they went out there with a

4 flashlight and searched for this gun.

5 **Q.** Were you there the day they were out there
6 with a flashlight searching for the gun?

7 **A.** Yes.

8 **Q.** You weren't there the day before?

9 **A.** No.

10 **Q.** So what is the unconstitutional conduct
11 that you are referring to?

12 **A.** In my opinion, this is my opinion and only
13 my opinion, that the likelihood of that type of
14 smokescreen -- I will use that word -- to find
15 something that no one else could find and then
16 miraculously it appears, is just wrong, morally
17 wrong and wrong. It is just wrong.

18 And I think that that has to violate
19 somebody's rights.

20 **Q.** I am just trying to understand what you are
21 talking about.

22 **A.** I am talking about what I just told you.
23 It is wrong.

24 **Q.** You are saying that the police planted a
25 gun?

1 **A.** Sir, you can draw your own conclusions
2 here. If you and I go out with everybody here
3 and we go into the next office and tear that
4 office apart, literally destroy it, and then the
5 next day someone from your office goes in in the
6 dead of night with no electricity and finds that
7 gun, that is highly improbable. That is what I
8 am saying. That is highly improbable.

9 **Q.** Okay.

10 **A.** Now, if you want to say that is planting
11 evidence, that is you. All I am saying is that
12 is highly improbable.

13 **Q.** Mr. Turner, we are here to talk about the
14 issues in this case. And the question I asked
15 you is that prior to the May 1975 murder of
16 Harold Franks, that is a part of this lawsuit,
17 do you have firsthand knowledge of any Cleveland
18 homicide detective violating the Constitution as
19 part of an investigation or prosecution? That
20 is my question to you.

21 **A.** And my answer was yes. I explained it the
22 best I could for you. I can't do it any
23 further, any better, I guess.

24 **Q.** The explanation is that there was a
25 shooting --

1 **MS. WANG:** Objection, asked
2 and answered. You are just restating what he
3 said in your own words. That is not a question.
4 Asked and answered, harassing. You can answer.

5 **THE WITNESS:** Hmm?

6 **BY MR. MALLAMAD:**

7 **Q.** I am not finished with my question. The
8 evidence that you claim to have is that there
9 was a shooting at Woodhill Park, that you saw a
10 bunch of cops looking for a weapon, and that
11 later you were present when a police Sergeant
12 finds a gun in the park?

13 **A.** I didn't say --

14 **MS. WANG:** Objection. He did
15 not say the police officer found a gun in the
16 park or that he saw a police officer --

17 **THE WITNESS:** I didn't say
18 Sergeant for sure. I said I saw the brass
19 searching. There was more than one officer. I
20 don't know who found it.

21 **BY MR. MALLAMAD:**

22 **Q.** Okay.

23 **A.** And what I am saying to you, sir -- it is
24 documented. I mean, it is documented. They
25 went one day, couldn't find anything, this guy

1 went out and found a gun.

2 In my mind, that is highly improbable,
3 highly.

4 **Q.** And so it is your belief that the gun was
5 planted; is that correct?

6 **A.** I am not saying planted, sir. Again, if
7 you want to say planted, that is up to you.

8 **Q.** I am asking you, Mr. Turner, whether this
9 is what you are saying is firsthand evidence,
10 firsthand knowledge of unconstitutional conduct
11 by Cleveland homicide detectives?

12 **A.** And I told you again, it is my belief, this
13 is what I know to be fact. Now, I don't know if
14 it was planted, just like I didn't use the word
15 stealing. But I am telling you, it is highly
16 unlikely, it is highly unprobable, and I can't
17 say anything --

18 **MR. GILBERT:** I am going to
19 object to your continuous use of the word
20 "constitutional" and I am going to give back to
21 you what you always do to me in depositions,
22 that he is not a lawyer.

23 **BY MR. MALLAMAD:**

24 **Q.** Did you ever reduce to writing what
25 observations you made of the Woodhill Park

1 incident?

2 **A.** No, no.

3 **Q.** Did you ever speak with a prosecutor about
4 your observations?

5 **A.** No.

6 **Q.** Did you ever speak to a defense attorney?

7 **A.** No.

8 **Q.** Okay. Besides the Woodhill Park shooting
9 incident, do you have any firsthand knowledge of
10 any Cleveland homicide detective doing anything
11 inappropriate with respect to their
12 investigation or their involvement in the
13 prosecution of a homicide?

14 **A.** I couldn't tell you any more than I have
15 already done. I can't remember.

16 **MR. MALLAMAD:** Those are all my
17 questions. Thanks.

18 **EXAMINATION**

19 **BY MR. FUNK:**

20 **Q.** Good afternoon, Mr. Turner.

21 **A.** Greetings.

22 **Q.** My name is Steve Funk, F-u-n-k. I work for
23 Roetzel & Andress and I am representing the
24 individual Defendants in the case. I just have
25 a couple of follow-up questions.

1 I think the question was asked whether you
2 had a conversation with Ricky Jackson. Prior to
3 your conversation with Terry Gilbert, did you
4 know Ricky Jackson in any way?

5 **A.** No, sir.

6 **Q.** And prior to your conversation with
7 Mr. Gilbert, did you know Wiley Bridgeman in any
8 way?

9 **A.** I don't know any of the Defendants in this
10 case. I have never met them, I have never
11 talked to them.

12 **Q.** And that also includes Kwame Ajamu?

13 **A.** Any of them. I don't know them. I have
14 never talked to any of the three.

15 **Q.** Do you know Peter Comodeca?

16 **A.** I don't think so.

17 **Q.** You have no knowledge of Peter Comodeca's
18 activities as a police detective or police
19 Sergeant?

20 **A.** Maybe if I saw him. I don't know him by
21 name. Maybe if I saw him.

22 **Q.** Do you know a Eugene Terpay?

23 **A.** Again, maybe if I saw him to know who you
24 are talking about.

25 **Q.** The name Eugene Terpay --

1 **A.** Doesn't ring a bell at this time.

2 **Q.** Are you aware of any misconduct by Eugene
3 Terpay?

4 **A.** Sir, I don't know exactly who you are
5 talking about. I would have to actually see
6 him -- maybe that would jar my memory. But the
7 name does nothing for me.

8 **Q.** Sitting here today, you don't have any --
9 you are not aware of any misconduct by Eugene
10 Terpay?

11 **A.** No, sir.

12 **Q.** Do you know James Farmer?

13 **A.** That name sounds familiar, I think.

14 **Q.** How do you know James Farmer?

15 **A.** I just said the name sounds familiar. That
16 is all. Again, I would have to see them to see.
17 It has been a while.

18 **Q.** Other than Detective Shankland and
19 Detective Fuerst, do you know any other homicide
20 detectives?

21 **A.** Yeah, I knew a bunch of them.

22 **Q.** Which detectives would you have known from
23 the Homicide Bureau?

24 **A.** Oh, boy.

25 **Q.** This would be during the time you were

1 working with the --

2 **A.** Yeah, I would have to really think about.
3 Some have passed away, one got shot on the job
4 and died.

5 **Q.** Who was that?

6 **A.** I am trying to think right now for you,
7 sir.

8 **Q.** Okay.

9 **A.** I couldn't tell you this right now.

10 **Q.** Would you have had occasion to work with
11 James Farmer in any capacity?

12 **A.** Again, sir, I don't know. I don't know the
13 name, it doesn't ring a bell. I would have to
14 see him.

15 **Q.** So you are not aware of any misconduct by
16 James Farmer?

17 **A.** Sir, again, I don't know. I haven't any
18 idea unless I could see them and it may jar my
19 memory. But that is the best I can tell you.

20 **Q.** What about John Staimpel, do you know John
21 Staimpel?

22 **A.** I think I know John Staimpel. I think I
23 know him by name, but I would have to see him to
24 see if I actually remember him or know him.

25 **Q.** How do you think you know John Staimpel?

1 **A.** By name.

2 **Q.** What do you know about John Staimpel?

3 **A.** His name is John Staimpel. That is what I
4 know about him, by name. That is it right now.

5 **Q.** What about Frank Stoiker, do you know Frank
6 Stoiker?

7 **A.** No, sir, same answer.

8 **Q.** You don't know the name?

9 **A.** It doesn't do anything for me right now.

10 **Q.** What about Gerald Englehart?

11 **A.** Same answer.

12 **Q.** Do you know a Detective Leo Allen?

13 **A.** Same answer.

14 **Q.** Let's just take a quick break.

15 (Thereupon, a recess was taken.)

16 **BY MR. FUNK:**

17 **Q.** I have got photographs that have been
18 previously numbered and by stipulation, have
19 been identified with various parties. I am
20 going to show you each photograph and ask you to
21 take a look at it and see if you recognize the
22 person in the photograph, and if so, who it is.
23 Okay?

24 **A.** Fine.

25 **Q.** Take a look at photograph Exhibit Number 1.

1 Do you recognize that person?

2 **A.** Wait a minute.

3 **Q.** Okay.

4 **A.** He looks kind of familiar. But that is
5 about all I can tell you right now. He looks
6 kind of familiar.

7 **Q.** Would you know his name?

8 **A.** No.

9 **Q.** And in what way does he look familiar to
10 you?

11 **A.** Just looks familiar.

12 **Q.** Take a look at Exhibit 2. Do you recognize
13 that individual?

14 **A.** Nope.

15 **Q.** Photograph number 3, do you recognize that
16 individual?

17 **A.** Yeah, I recognize him. I saw him around.
18 But I don't know who he is.

19 **Q.** Do you recognize photograph number 4?

20 **A.** Wait a minute. Maybe. I am not sure.

21 **Q.** Do you know who the person is in number 4?

22 **A.** No.

23 **Q.** And with respect to number 3 or number 4,
24 do you recognize that person as being anybody
25 you would know would have engaged in any

1 wrongful conduct?

2 **A.** I don't recognize.

3 **Q.** Take a look at photograph number 5. Do you
4 recognize the person in photograph number 5?

5 **A.** Boy, he looks familiar. I just don't know.
6 I don't know. He just looks familiar.

7 **Q.** Take a look at Exhibit Number 6. Do you
8 recognize the person in photograph Number 6,
9 sorry?

10 **A.** Wow. I don't know.

11 **Q.** Number 6, you don't know?

12 **A.** No, no, it just looks like -- I may. I am
13 not sure.

14 **Q.** And then photograph number 7?

15 **A.** It looks like a guy on the job now,
16 Lieutenant somebody.

17 **Q.** But do you recognize him?

18 **A.** Again, it looks like somebody on the job
19 right now. But I couldn't swear to it.

20 **Q.** Would you know what the name of that person
21 is?

22 **A.** No.

23 **Q.** Do you know the name of the person you
24 think he looks like?

25 **A.** Lieutenant somebody. Internal affairs, I

1 think he looks like somebody in internal
2 affairs.

3 **Q.** This is our opportunity to depose you here
4 today. And I think -- let me ask you real
5 quick, do you know -- yeah, I am sorry, I
6 already asked you everybody.

7 Do you have anything, any instances that
8 you are aware of in which Peter Comodeca, Eugene
9 Terpay, James Farmer, John Staimpel, Frank
10 Stoiker or George Englehart ever engaged in any
11 wrongful conduct?

12 **A.** No.

13 **Q.** Now, with respect to the Detective Bureau,
14 do you have any personal firsthand knowledge of
15 instance in which the Detective Bureau or the
16 City of Cleveland Police Department withheld
17 exculpatory evidence from the prosecutor in a
18 criminal case?

19 **MR. GILBERT:** You mean homicide
20 or --

21 **MR. FUNK:** Homicide Detective
22 Bureau.

23 **MR. GILBERT:** You are talking
24 about homicide now?

25 **MR. FUNK:** Yes.

1 **THE WITNESS:** I am not sure.

2 **BY MR. FUNK:**

3 **Q.** You are not prepared to testify today about
4 any particular instance?

5 **A.** I can't specifically say anything at this
6 time.

7 **Q.** And with respect to any lineups, were you
8 ever involved in any lineups, involved in any
9 homicide investigation?

10 **A.** Oh, boy. I don't think so.

11 **Q.** Were you ever involved in any interviews of
12 a juvenile witness in connection with the
13 homicide investigation?

14 **A.** I am not sure.

15 **Q.** You are not prepared to testify about any
16 particular incidents?

17 **A.** Sir, my answer is I am not sure. I am not
18 trying to not testify. I am trying to tell you
19 the truth. So the way I can best tell you the
20 truth is I am not sure.

21 **Q.** And given that you never worked in the
22 Homicide Detective Bureau for the City of
23 Cleveland Police Department, you would not have
24 any firsthand knowledge of the practices of
25 homicide detectives in the Homicide Bureau with

1 relationship to the questioning of juveniles in
2 connection with homicide?

3 **A.** I don't think so.

4 **MR. FUNK:** Okay. I have no
5 further questions.

6 **MR. GILBERT:** I have a few
7 questions.

8 EXAMINATION

9 **BY MR. GILBERT:**

10 **Q.** Earlier on in the deposition today, you
11 were asked about whether you were aware of any
12 training that was contrary to the Constitution.
13 Do you remember those questions?

14 And I think you indicated there was never
15 any formal training, but that the illegality or
16 practices that might be unconstitutional were
17 part of the norm. Do you remember that?

18 **A.** Yeah.

19 **MR. FUNK:** Objection.

20 **MR. MALLAMAD:** Objection.

21 **BY MR. GILBERT:**

22 **Q.** Can you explain that further?

23 **A.** Do you want me to answer that?

24 **Q.** Yes.

25 **A.** Okay.

1 **Q.** Let me ask you this way --

2 **A.** You learn, and rather quickly, that the way
3 things are handled on the street is contrary to
4 what it should be handled according to the book.

5 **Q.** And can you give us an idea of the kind of
6 things that happened on the street that were
7 contrary to proper procedure and lawful actions?

8 **MR. MALLAMAD:** Objection.

9 **THE WITNESS:** The total
10 disrespect for human dignity, the way people are
11 treated, the way they are accosted, the
12 reference to their ethnic background or
13 heritage, the loss of probable cause, that is
14 wrong.

15 **BY MR. GILBERT:**

16 **Q.** And what you just testified, are these
17 situations something that you have seen and
18 observed among Cleveland police officers?

19 **MR. FUNK:** Objection.

20 **MR. MALLAMAD:** Objection.

21 **THE WITNESS:** Yes.

22 **BY MR. GILBERT:**

23 **Q.** All right. I think you mentioned smacking
24 people and violence?

25 **A.** Yes.

1 **MR. FUNK:** Objection.

2 **BY MR. GILBERT:**

3 **Q.** Have you seen Cleveland police officers in
4 the '70s engaging in that kind of behavior?

5 **MR. FUNK:** Objection.

6 **MR. MALLAMAD:** Objection.

7 **THE WITNESS:** Yes. I am sorry.

8 **BY MR. GILBERT:**

9 **Q.** Have you seen -- can you answer that?

10 **A.** Yes.

11 **Q.** And do you know if any of them were
12 disciplined or held accountable for those
13 actions?

14 **A.** Of course not, they weren't disciplined and
15 they weren't held accountable for it.

16 **MR. FUNK:** Objection.

17 **BY MR. GILBERT:**

18 **Q.** How about shaking people down, you
19 mentioned that. Did you see that kind of
20 activity occur during the '70s?

21 **MR. FUNK:** Objection.

22 **MR. MALLAMAD:** Objection.

23 **MR. GILBERT:** You can just do a
24 continuing objection, if you want.

25 **THE WITNESS:** Yes.

1 BY MR. GILBERT:

2 Q. And did you know of anybody who was held
3 accountable by discipline for any of those kinds
4 of actions?

5 MR. FUNK: Objection.

6 MR. MALLAMAD: Objection.

7 THE WITNESS: Not then and not
8 now.

9 BY MR. GILBERT:

10 Q. How about taking peoples' property without
11 justification?

12 MR. FUNK: Objection.

13 MR. MALLAMAD: Objection.

14 BY MR. GILBERT:

15 Q. Did you see that kind of activity go on?

16 MR. MALLAMAD: Same objection.

17 THE WITNESS: Yes.

18 BY MR. GILBERT:

19 Q. And did you see, did you know of any
20 discipline or accountability that occurred with
21 respect to those activities?

22 MR. MALLAMAD: Objection.

23 MR. FUNK: Objection.

24 BY MR. GILBERT:

25 Q. You can answer.

1 **A.** No.

2 **Q.** You talked about changing facts of an
3 arrest. Could you be more specific what that
4 means?

5 **MR. FUNK:** I am going to
6 object to that too.

7 **MR. MALLAMAD:** Same objection.

8 **THE WITNESS:** If we go back to no
9 probable cause, evidence in some cases
10 disappearing and evidence in other cases
11 miraculously appearing.

12 **BY MR. GILBERT:**

13 **Q.** And you actually have firsthand knowledge
14 of that happening --

15 **A.** I saw that a lot.

16 **Q.** -- in the '70s?

17 **MR. FUNK:** Objection.

18 **MR. MALLAMAD:** Objection.

19 **BY MR. GILBERT:**

20 **Q.** Is that right?

21 **A.** '70s, '80s, I saw that a lot.

22 **Q.** Did you ever see anybody being disciplined
23 or held accountable for that kind of activity?

24 **MR. MALLAMAD:** Objection.

25 **MR. FUNK:** Objection.

1 **THE WITNESS:** No.

2 **BY MR. GILBERT:**

3 **Q.** Now, when you were out on the streets with
4 the Mod Squad, where you were empowered to deal
5 with any kind of criminal activity, primarily
6 downtown, did you, when you arrested somebody,
7 did you prepare a written report?

8 **A.** Yes.

9 **Q.** What was that called?

10 **A.** Back then, it was called a Form 1.

11 **Q.** And what kind of information would you put
12 in that report?

13 **A.** Well, it was a description of what
14 happened, what I saw, what I believed to be
15 criminal activity, why they were arrested, let
16 it be known that I informed them of their
17 constitutional rights, depending upon the type
18 of crime, I either went to the Detective Bureau
19 for -- I had to go to the Prosecutor's Office --
20 but the Detective Bureau, it lasted a little
21 while. And after a while, we had to start
22 charging them ourselves, we brought so many in,
23 or to the city prosecutor.

24 **Q.** Now, did you ever have occasion when you
25 would write a report about an incident that you

1 had firsthand knowledge of and then it went to
2 the Detective Bureau?

3 **A.** Yes.

4 **Q.** And did you follow through on some of those
5 cases?

6 **A.** Yes.

7 **Q.** Did you encounter situations where the
8 facts were changed by the Detective Bureau?

9 **MR. FUNK:** Objection.

10 **MR. MALLAMAD:** Objection.

11 **THE WITNESS:** I had occasions
12 where my report disappeared.

13 **BY MR. GILBERT:**

14 **Q.** And did you complain about that?

15 **A.** I just produced my signed copy.

16 **Q.** Was there favoritism that was practiced in
17 the Cleveland Police Department?

18 **MR. FUNK:** Objection.

19 **MR. MALLAMAD:** Objection.

20 **THE WITNESS:** Yes.

21 **BY MR. GILBERT:**

22 **Q.** And can you explain that?

23 **A.** It wasn't who you knew -- it wasn't what
24 you knew, it was who you knew.

25 **Q.** Can you give me more specifics about how

1 that worked?

2 **A.** Yeah, well, gentlemen, with all due
3 respect, I want you to know that I don't care.
4 You could be green and have blue teeth, it
5 didn't bother me at all. I didn't like bullies,
6 I didn't like dope pushers, and if you did
7 something wrong, you were wrong.

8 On the other hand, I tried to understand
9 that every crime was different and I tried to
10 handle it in that way. If a guy stole meat, he
11 may not necessarily be a thief, he just may be
12 hungry. That is the way I looked at it.

13 I didn't play favorites, and when I stopped
14 somebody of importance or that knew some big
15 shot, which I was not, I treated them, to the
16 best of my ability, fairly. I never took a
17 bribe, I never did anything to deliberately hurt
18 somebody. I tried to do the very best I could,
19 I did, my entire career. And that got me into
20 beaucoup trouble.

21 **Q.** Would you recall any cases in which a
22 suspect that you had arrested and resulted in a
23 follow-up, where some favoritism was practiced
24 with that subject?

25 **MR. FUNK:** Objection.

1 **MR. MALLAMAD:** Objection.

2 **THE WITNESS:** Bozie Mack was a
3 Lieutenant in the Narcotics Unit, and my partner
4 and I were attempting to help a lady of the
5 night break away from her young man who was
6 selling dope, et cetera, and we did all that
7 paperwork, and had the arrest, presented the
8 dope to the proper channels and followed
9 procedure, and we received a letter, a note, if
10 you will, from Bozie Mack, thanking us for the
11 work we did. But he felt that per his
12 supervisors, there wasn't enough evidence to
13 charge that man and they dismissed it. And I
14 promptly took it to the Grand Jury, they
15 indicted him and he pled guilty. That is one.

16 **BY MR. GILBERT:**

17 **Q.** Anything else?

18 **A.** Yeah, there are others. But you know, they
19 come to my mind and I can't give you bang, bang,
20 bang, bang, bang, because there are so many and
21 it has been so long. So I am doing the best I
22 can.

23 **Q.** Were black police officers treated
24 differently than white police officers?

25 **A.** Absolutely.

1 **MR. FUNK:** Objection.

2 **MR. MALLAMAD:** Objection.

3 **THE WITNESS:** Absolutely.

4 **BY MR. GILBERT:**

5 **Q.** And tell us how that was practiced.

6 **MR. MALLAMAD:** Same objection.

7 **THE WITNESS:** Well, when I was
8 first a policeman, let's see, the city was, I
9 think it was 49.7 percent black and they had in
10 the police department one Captain and three or
11 four Sergeants and the rest were, as we called
12 them, deck hands.

13 And it was a -- by the way, this is
14 what led to the lawsuit with Judge Thomas.
15 Because it was my contention, and that was
16 upheld by the judge, that the way you were
17 instructed to dress and the way you were
18 instructed to handle situations was racist in
19 nature, and that the black hiring and the black
20 firing was way out of proportion, way out of
21 proportion.

22 **BY MR. GILBERT:**

23 **Q.** In terms of race, were black suspects
24 treated differently than white suspects, from
25 your experience?

1 **MR. FUNK:** Objection.

2 **MR. MALLAMAD:** Objection.

3 **THE WITNESS:** Yes.

4 **MR. FUNK:** Objection.

5 **BY MR. GILBERT:**

6 **Q.** And this is in the '70s?

7 **MR. MALLAMAD:** Objection.

8 **THE WITNESS:** Yes.

9 **BY MR. GILBERT:**

10 **Q.** And how were blacks treated differently
11 than whites, in terms of how they were treated
12 by Cleveland police officer?

13 **MR. FUNK:** Objection.

14 **MR. MALLAMAD:** Objection.

15 **THE WITNESS:** No probable cause,
16 not being allowed to make a phone call, some
17 were physically abused, racist remarks, racist
18 diagrams, racist graffiti, racist stuff on the
19 police car, in the police car. I have already
20 told you about the racism, if you are not -- if
21 you are not with a woman of your own kind, as it
22 was so nicely put to me, then you have a
23 problem.

24 **BY MR. GILBERT:**

25 **Q.** I believe you testified earlier, if not,

1 clarify, that you had complained about this kind
2 of racist conduct in the police department; is
3 that right?

4 MR. FUNK: Objection.

5 MR. MALLAMAD: Objection.

6 THE WITNESS: Yes.

7 BY MR. GILBERT:

8 Q. And as far as you are concerned, did
9 anybody get disciplined for racist activity?

10 MR. FUNK: Objection.

11 MR. MALLAMAD: Objection.

12 THE WITNESS: No.

13 BY MR. GILBERT:

14 Q. Did you ever hear the term "run a nigger
15 target"?

16 A. Oh, yes.

17 Q. What does that mean?

18 A. Sir, that was an 8 by 10 paper like that,
19 with the outline of a figure, black, with a big
20 afro, with a target on his body, and points for
21 where you could shoot him and the title was run
22 a nigger target.

23 Q. And was this in the '70s?

24 MR. FUNK: Objection.

25 THE WITNESS: Yes.

1 **BY MR. GILBERT:**

2 **Q.** And where did you see this target?

3 **A.** It was in all the districts, all the
4 districts.

5 **Q.** And so you actually saw this paper diagram
6 in all the districts?

7 **A.** Yes. I saw that with my own two eyes.

8 **Q.** And did you hear any discussions amongst
9 police officers about the target?

10 **MR. FUNK:** Objection.

11 **MR. MALLAMAD:** Objection.

12 **THE WITNESS:** Sir, I believe that
13 it was -- I may be wrong -- but I believe it was
14 Inspector Harry Antel that put a stop to it.

15 **BY MR. GILBERT:**

16 **Q.** Do you remember around when that was?

17 **A.** In the '70s.

18 **Q.** And this was a caricature of an
19 African-American?

20 **MR. FUNK:** Objection.

21 **THE WITNESS:** Yes.

22 **BY MR. GILBERT:**

23 **Q.** Did it have an indication of where the
24 police were supposed to shoot that individual?

25 **A.** Yes.

1 **MR. FUNK:** Objection.

2 **BY MR. GILBERT:**

3 **Q.** Where was that?

4 **A.** It had a target, and the target was
5 assigned points.

6 It was from the side, it wasn't from the
7 front, I think.

8 **Q.** Now, you indicated that an Inspector Antel
9 had those diagrams removed, correct?

10 **A.** Yes.

11 **Q.** Do you know if anyone, if there was an
12 investigation by the Cleveland Police Department
13 to find out who was responsible for these
14 diagrams?

15 **A.** No. I know that there was no
16 investigation. I guess that is the way to put
17 it.

18 **MR. FUNK:** Objection.

19 **BY MR. GILBERT:**

20 **Q.** Do you know whether anyone was held
21 accountable for that kind of diagram?

22 **A.** No.

23 **MR. FUNK:** Objection.

24 **MR. MALLAMAD:** Objection.

25

1 **BY MR. GILBERT:**

2 **Q.** Now, you indicated you were a detective.
3 Was that while you were in the Third District or
4 Fourth District, do you remember?

5 **A.** Third District, I think.

6 **Q.** And were there any rules in the detective
7 position that you had, as to how to be a
8 detective?

9 **A.** No.

10 **Q.** Was there any training, formal training
11 about how to be a detective?

12 **MR. FUNK:** Objection.

13 **THE WITNESS:** No.

14 **BY MR. GILBERT:**

15 **Q.** Did the different detectives that you were
16 familiar with do the job differently than
17 others?

18 **MR. FUNK:** Objection.

19 **MR. MALLAMAD:** Objection.

20 **THE WITNESS:** Yes.

21 **BY MR. GILBERT:**

22 **Q.** In what way?

23 **MR. MALLAMAD:** Same objection.

24 **THE WITNESS:** Well, everybody has
25 their own way of working, sir. And me

1 personally, I didn't go in for the dumb stuff, I
2 wasn't going to do that. Let me say this: I
3 try to treat everybody the same.

4 **BY MR. GILBERT:**

5 **Q.** Well, I am asking you about what other
6 people did.

7 **A.** That is it.

8 **Q.** Was there any actual rules or tactics or
9 strategies or protocols that were handed down
10 from higher level supervisors as to how to deal
11 with evidence?

12 **MR. FUNK:** Objection.

13 **THE WITNESS:** If it all got put
14 into the property book, fine. If there was some
15 discrepancies, minor discrepancies, that was
16 fine too.

17 **BY MR. GILBERT:**

18 **Q.** Were there any -- were there any rules or
19 procedures regarding how to conduct a lineup
20 that came in the form of directions from higher
21 ups?

22 **MR. FUNK:** Objection.

23 **THE WITNESS:** Not that I know of.

24 **BY MR. GILBERT:**

25 **Q.** Was there any instructions by anybody what

1 to do about exculpatory evidence when you were a
2 detective?

3 **MR. FUNK:** Objection.

4 **MR. MALLAMAD:** Objection.

5 **BY MR. GILBERT:**

6 **Q.** You know what exculpatory evidence is?

7 **A.** Yes. I am going to ask you, because I
8 don't want to lie, so I am going to have to ask
9 you to be more specific.

10 **Q.** If there was a case where, for example, you
11 were investigating a crime and you had some
12 information that the person was somewhere else
13 when the crime was committed and could not have
14 committed the crime, but you also had evidence
15 from somebody that he was involved, were there
16 any rules about the requirement of turning over
17 the evidence that showed an alibi, for example,
18 to the prosecutor?

19 **MR. MALLAMAD:** Objection.

20 **MR. FUNK:** Objection.

21 **THE WITNESS:** Well, the rule was,
22 you should turn over all evidence acquired in an
23 investigation to the prosecution. That was the
24 rule.

25

1 **BY MR. GILBERT:**

2 **Q.** Okay. But was it always practiced?

3 **MR. MALLAMAD:** Objection.

4 **MR. FUNK:** Objection.

5 **THE WITNESS:** No.

6 **BY MR. GILBERT:**

7 **Q.** You had experience in interrogating
8 witnesses and suspects?

9 **A.** Yes.

10 **Q.** Were there any rules, protocols regarding
11 how to do that?

12 **MR. FUNK:** Objection.

13 **MR. MALLAMAD:** Objection.

14 **THE WITNESS:** Well, let's see.

15 There was different techniques, I guess is the
16 way you can say it, for interrogating prisoners.
17 There were things you could say that may not be
18 quite truthful, and it was not so much what you
19 said maybe, it was how you said it. And you
20 were never supposed to put your hands on
21 anybody. And you were not supposed to treat
22 them like the decision has already been made
23 that they were guilty. I guess that is the best
24 way to put it.

25

1 **BY MR. GILBERT:**

2 **Q.** Okay. You are looking at them, but you
3 should look at me.

4 **A.** No, I am just trying to think.

5 **Q.** Have you ever seen a detective either
6 threatening or coercing a suspect or engaging in
7 any kind of roughing?

8 **MR. MALLAMAD:** Objection.

9 **MR. FUNK:** Objection.

10 **THE WITNESS:** Yeah, I have.

11 **BY MR. GILBERT:**

12 **Q.** Can you tell us approximately when that
13 would have occurred?

14 **A.** Again, I would have to tell you the same
15 thing I told you. Incidents -- I have been gone
16 a while, so I just have to -- you know, I just
17 can't pop them out of my mind right now.
18 Especially some things come back to me right
19 away, and some things I really, really, really
20 have got to think about.

21 **Q.** And that would have been in the '70s?

22 **MR. FUNK:** Objection.

23 **MR. MALLAMAD:** Objection.

24 **THE WITNESS:** Yeah, and the '80s,
25 it happened then too.

1 **BY MR. GILBERT:**

2 **Q.** And did you complain about it?

3 **A.** Yes.

4 **Q.** And who did you complain to, if you
5 remember?

6 **A.** In the Fourth District, there was an
7 inspector named Balaga, who I thought was very
8 fair. I thought he was fair. And he handled
9 things in-house.

10 In the Third District, it was Harry Antel,
11 and those are the two that I trusted the most.

12 **Q.** Are those two people the ones you
13 complained to about coerced or rough
14 interrogations?

15 **MR. FUNK:** Objection.

16 **MR. MALLAMAD:** Same objection.

17 **THE WITNESS:** Yes, if it got to
18 the point where I was uncomfortable with crap,
19 if I was uncomfortable with stuff -- sorry I
20 said crap. If I was uncomfortable with stuff,
21 that I thought was wrong, I didn't -- I had no
22 problem in voicing my opinion, none.

23 **BY MR. GILBERT:**

24 **Q.** And did you see it, are you aware of any
25 case in the '70s or early '80s, where a police

1 officer or detective was held accountable for
2 any kind of rough interrogation or coercion of a
3 suspect?

4 **MR. FUNK:** Objection.

5 **MR. MALLAMAD:** Objection.

6 **THE WITNESS:** No.

7 **BY MR. GILBERT:**

8 **Q.** Had you ever -- did you have any knowledge
9 of a lineup where misconduct occurred?

10 **MR. FUNK:** Objection.

11 **BY MR. GILBERT:**

12 **Q.** I am speaking back then in the time you
13 were in the department.

14 **A.** I remember there was a rape and I believe
15 it was the wife of the manager of the Grog Shop
16 and that was on Short Vincent. And the suspect
17 in that rape was -- his street name was Sleepy.

18 I think his last name was Harris, Carl
19 Harris, Carl Harris. And they had a lineup, and
20 he had -- I can't describe his pants, but his
21 pants were for use -- his pants were mod, they
22 were all kinds of multicolored, and when he came
23 out from the lineup, somebody else had on his
24 pants. That I saw.

25 I don't know who, if anyone he knew, but I

1 do know when he came out from that lineup, he
2 was wearing someone else's pants; and Carl
3 Harris was black, and there was a white
4 gentleman in the lineup that was wearing Carl
5 Harris' pants, that I remember.

6 Q. And were you there at the time?

7 A. I was there.

8 Q. Why were you there at the time?

9 A. Because I arrested Carl Harris. He was
10 wanted on a warrant for rape. And I arrested
11 him.

12 Q. And the pants that he had on when you
13 arrested him were not the same pants that he had
14 on in the lineup?

15 A. No.

16 Q. Did you find that to be a bit strange?

17 A. Yes.

18 MR. FUNK: Objection.

19 MR. MALLAMAD: Objection.

20 BY MR. GILBERT:

21 Q. Did you say anything about it?

22 A. Yes.

23 Q. To who?

24 A. I think there was a Sergeant in charge of
25 that. Boy. It was in the old city jail, sir,

1 and it was on the fifth floor, and came out and
2 said somebody -- "They switched pants." And I
3 was upset about it because Harris was in one
4 cell, and the other gentleman was in the cell on
5 the furthest end. So in my mind, somebody had
6 to give them the pants to switch.

7 Q. And you said this was at the old jail?

8 A. 21st and Payne, yes, sir.

9 MR. FUNK: Objection.

10 BY MR. GILBERT:

11 Q. That was before the Justice Center was
12 built?

13 A. Yes, sir.

14 MR. FUNK: Objection.

15 BY MR. GILBERT:

16 Q. Was this in the early '70s?

17 MR. FUNK: Objection.

18 THE WITNESS: I don't remember.

19 It is a matter of police record, I know that.

20 BY MR. GILBERT:

21 Q. His name was Carl Harris?

22 A. Carl Harris.

23 Q. Do you know what happened to Carl, was he
24 convicted of the rape?

25 MR. FUNK: Objection.

1 **THE WITNESS:** I think he skipped,
2 and I don't know if they ever found him.

3 **BY MR. GILBERT:**

4 **Q.** Now, as a detective, did you ever have the
5 occasion to interview juveniles?

6 **A.** Oh, yeah.

7 **Q.** Both suspects as well as witnesses?

8 **A.** Oh, yeah.

9 **Q.** Was there any -- were there any policies or
10 procedures that you knew of back in your day as
11 to how to conduct interrogations of juveniles?

12 **MR. MALLAMAD:** Objection.

13 **MR. FUNK:** Objection.

14 **THE WITNESS:** I would not talk to
15 a juvenile unless his parents were there.

16 **BY MR. GILBERT:**

17 **Q.** And why is that?

18 **A.** He is a juvenile. He is not an adult, and
19 it could jeopardize my case. I had a special
20 relationship with Juvenile Court. That is the
21 way I handled it.

22 **Q.** You said you would do it this way. Was
23 there a rule or a policy or a GPO that required
24 a parent or guardian to be with the juvenile
25 before that juvenile would be interrogated?

1 **MR. MALLAMAD:** Objection.

2 **THE WITNESS:** Yeah, I am not sure
3 if it is -- I am not sure if it is a -- I think
4 that would be a GPO, I think that is a GPO.
5 Yeah, I am going to say GPO on that one.

6 **BY MR. GILBERT:**

7 **Q.** Do you know whether that was the common
8 practice within the department, not to interview
9 a juvenile unless their parent was available?

10 **MR. FUNK:** Objection.

11 **MR. MALLAMAD:** Objection.

12 **THE WITNESS:** I am going to say
13 that was the rule. That is what I believe to be
14 the rule.

15 **BY MR. GILBERT:**

16 **Q.** Are you aware of a Cleveland police officer
17 back in the early '70s who had a swastika on his
18 car?

19 **A.** Yes.

20 **MR. FUNK:** Objection.

21 **BY MR. GILBERT:**

22 **Q.** Who was that?

23 **A.** Sergeant Baughman. I may have the name
24 wrong. But I am very much aware of him.

25 **MR. FUNK:** Objection.

1 **BY MR. GILBERT:**

2 **Q.** What are you aware that he had done?

3 **A.** He wore a ring from the Nazi concentration
4 camp, and internal affairs had photographs of
5 him in a Nazi uniform doing the "Heil, Hitler"
6 thing.

7 In his car or on the door was a swastika
8 that I saw.

9 **Q.** Was the FBI involved in that?

10 **A.** Yes.

11 **Q.** And what happened after that?

12 **MR. FUNK:** Objection.

13 **MR. MALLAMAD:** Objection.

14 **BY MR. GILBERT:**

15 **Q.** Was there any discipline or anything like
16 that?

17 **MR. MALLAMAD:** Objection.

18 **THE WITNESS:** The day they went
19 to bring the car in, it miraculously went to the
20 paint shop and it was painted.

21 **BY MR. GILBERT:**

22 **Q.** And this Baughman or Baughman, did he ever
23 get disciplined, if you know?

24 **MR. FUNK:** Objection.

25 **MR. MALLAMAD:** Objection.

1 **THE WITNESS:** No.

2 **BY MR. GILBERT:**

3 **Q.** All these things that we talked about, you
4 had mentioned, I believe, you were in a radio
5 show or other forums, right?

6 **MR. MALLAMAD:** Objection.

7 **THE WITNESS:** Yes.

8 **BY MR. GILBERT:**

9 **Q.** Did you ever get a response, other than
10 being punished, as you say, from any supervisor,
11 Safety Director, Chief, regarding your
12 allegations?

13 **MR. MALLAMAD:** Objection.

14 **MR. FUNK:** Objection.

15 **THE WITNESS:** Lieutenant Orinski
16 pulled me aside one day and said, "You are
17 walking on thin ice. You are saying stuff that
18 no one else will say or has the courage to say.
19 You are walking on thin ice." He was one,
20 Daniel Stevens was another.

21 There was an Italian Sergeant, I
22 can't think of his name. He supported the
23 things that I said, he knew. But they were all
24 afraid of the aftermath. I really didn't care.

25

1 **BY MR. GILBERT:**

2 **Q.** Now, were you part of a black police
3 officers association?

4 **A.** No. I knew -- I went to their meetings;
5 but formally joined? No way.

6 **Q.** And do you have knowledge of whether they
7 had complained about a lot of the things that we
8 have discussed today?

9 **MR. FUNK:** Objection.

10 **MR. MALLAMAD:** Objection.

11 **THE WITNESS:** Yes.

12 **BY MR. GILBERT:**

13 **Q.** And do you know whether any action was
14 taken by the administration or higher up
15 superior officers?

16 **MR. FUNK:** Objection.

17 **MR. MALLAMAD:** Objection.

18 **BY MR. GILBERT:**

19 **Q.** Regarding those complaints?

20 **MR. MALLAMAD:** Same objection.

21 **MR. GILBERT:** Let's take a minute
22 here.

23 (Thereupon, a recess was taken.)

24

25

1 EXAMINATION

2 BY MS. WANG:

3 Q. I just have a few follow-up questions.
4 They might sound similar to things that Terry
5 was asking you. But I have been listening
6 carefully to the language being used. So I am
7 trying to ask you some more specific questions.

8 So you testified earlier about instances in
9 which you had seen police officers in the
10 Cleveland Police Department using coercion or
11 force on suspects?

12 A. Yes.

13 MR. FUNK: Objection.

14 BY MS. WANG:

15 Q. On how many occasions, approximately, did
16 you see that happen?

17 A. It is hard to give a number. But I would
18 say -- and I am not trying to skirt the issue.
19 But I would say a lot. More than ten. That is
20 a lot.

21 Q. And these were instances that you witnessed
22 with your own eyes?

23 A. Yes.

24 Q. Did you ever witness detectives in the
25 Cleveland Police Department threatening

1 witnesses to testify or give -- to testify
2 falsely or give false statements against
3 suspects?

4 MR. FUNK: Objection.

5 MR. MALLAMAD: Objection.

6 THE WITNESS: Not directly, no.

7 BY MS. WANG:

8 Q. And so did you see it or become aware of it
9 indirectly?

10 MR. FUNK: Objection.

11 MR. MALLAMAD: Objection.

12 THE WITNESS: Yes.

13 BY MS. WANG:

14 Q. And how was that?

15 MR. MALLAMAD: Objection.

16 THE WITNESS: It was the
17 language, the language. "If you know what is
18 good for you," that type of thing, "If you know
19 what is good for you, you better."

20 BY MS. WANG:

21 Q. When you are talking about the language,
22 you are talking about language that detectives
23 would use in interrogating a witness in trying
24 to get them to say something?

25 A. Or not say something.

1 Q. Or not say something?

2 MR. FUNK: Objection.

3 MR. MALLAMAD: Objection.

4 BY MS. WANG:

5 Q. You gave an example of "If you know what is
6 good for you, say this or say that"?

7 A. You won't do this or do that. Mostly it
8 was always the negative. You won't do this or
9 won't do that. There were a few times there
10 was, "You better do this." There were a few.

11 MR. FUNK: Objection.

12 BY MS. WANG:

13 Q. You witnessed these personally?

14 A. Yes.

15 Q. Did you ever complain about these
16 instances?

17 A. Oh, yes.

18 Q. To whom did you complain about these
19 instances?

20 MR. FUNK: Objection.

21 THE WITNESS: Well, Orinski,
22 never to Seitz. Orinski, Stevens. That is all.

23 BY MS. WANG:

24 Q. Was any discipline ever handed down to any
25 of the detectives who were involved in any of

1 that kind of threatening or coercion of
2 witnesses?

3 **MR. FUNK:** Objection.

4 **MR. MALLAMAD:** Objection.

5 **THE WITNESS:** Not that I know of.

6 **BY MS. WANG:**

7 **Q.** Would you describe the -- strike that. The
8 practice of threatening and coercing witnesses
9 to make false statements -- sorry, strike that.

10 Would you say that it was a widespread
11 practice that detectives in the department would
12 threaten or coerce witnesses to make statements
13 or not make statements about a particular crime?

14 **MR. FUNK:** Objection.

15 **MR. MALLAMAD:** Objection.

16 **THE WITNESS:** It went on a lot.

17 **BY MS. WANG:**

18 **Q.** Was it, in your experience, accepted by the
19 superiors or supervisors in the department?

20 **MR. MALLAMAD:** Objection.

21 **MR. FUNK:** Objection.

22 **THE WITNESS:** Yes.

23 **BY MS. WANG:**

24 **Q.** And the supervisors knew about the
25 practices of the detectives in this regard?

1 **MR. FUNK:** Objection. No
2 foundation.

3 **MR. MALLAMAD:** Objection.

4 **THE WITNESS:** They knew then and
5 they know now.

6 **BY MS. WANG:**

7 **Q.** They knew in part, because you told them
8 about it, right?

9 **MR. FUNK:** Objection.

10 **MR. MALLAMAD:** Objection.

11 **THE WITNESS:** Yes.

12 **BY MS. WANG:**

13 **Q.** Are you aware of other police officers or
14 detectives who complained about these practices
15 within the department?

16 **MR. FUNK:** Objection.

17 **MR. MALLAMAD:** Objection.

18 **THE WITNESS:** They are no longer
19 with us. So, yes.

20 **BY MS. WANG:**

21 **Q.** So you weren't the only one complaining to
22 supervisors within the department about the
23 practice of detectives of coercing or
24 threatening witnesses?

25 **MR. FUNK:** Objection.

1 **MR. MALLAMAD:** Objection.

2 **THE WITNESS:** No. I was the most
3 vocal, though.

4 **BY MS. WANG:**

5 **Q.** Sure. And earlier you testified about
6 being disciplined by being given these crappy
7 assignments when you were vocal about things you
8 had seen earlier, right?

9 **MR. FUNK:** Objection,
10 mischaracterizes the testimony.

11 **MR. MALLAMAD:** Objection.

12 **THE WITNESS:** Yes.

13 **BY MS. WANG:**

14 **Q.** And you said that came down from the Chief
15 of Police's office?

16 **MR. FUNK:** Objection.

17 **MR. MALLAMAD:** Objection.

18 **THE WITNESS:** Yes.

19 **BY MS. WANG:**

20 **Q.** Which Chief was it?

21 **A.** Wow. I think it was Gary, I think it was
22 Lloyd Gary was one of them. There is another
23 one. I can't think of his name.

24 **Q.** Was it Gerald Rademaker?

25 **MR. FUNK:** Objection, leading.

1 **MR. MALLAMAD:** Objection.

2 **THE WITNESS:** I don't remember.

3 But off the top of my head, I would say, no, I
4 don't remember. I didn't have too much of a
5 problem with Rademaker.

6 **BY MS. WANG:**

7 **Q.** During the time that you were a detective,
8 were you aware of other detectives fabricating
9 evidence?

10 **MR. FUNK:** Objection.

11 **MR. MALLAMAD:** Objection.

12 **THE WITNESS:** I was aware of some
13 detectives manipulating the evidence.

14 **BY MS. WANG:**

15 **Q.** And what do you mean by manipulating
16 evidence?

17 **A.** Well, the evidence was there --

18 **MR. FUNK:** Objection, lack of
19 foundation. Go ahead.

20 **THE WITNESS:** Making a mountain
21 out of a molehill. It was always turned, it was
22 turned so that sometimes -- not all the time --
23 but sometimes -- it was never turned for the
24 defense, ever. It was always for the
25 prosecution, because winning the case was what

1 it was all about. It wasn't about what was
2 fair, it wasn't about what was honest, it was
3 about winning.

4 **MR. FUNK:** Objection.

5 **BY MS. WANG:**

6 **Q.** Were you aware of specific instances in
7 which this occurred?

8 **MR. MALLAMAD:** Objection.

9 **MR. FUNK:** Objection.

10 **THE WITNESS:** That I would really
11 have to think about. I am sure there are. But
12 off the top of my head right now, I can't answer
13 that.

14 **BY MS. WANG:**

15 **Q.** Was it a norm or a custom within the
16 department that the goal of police detectives
17 was to win a case?

18 **MR. FUNK:** Objection.

19 **MR. MALLAMAD:** Objection.

20 **THE WITNESS:** The end results
21 was, yes. But the most important thing, in my
22 opinion, was to make the pinch, to make the
23 arrest, to get credit for the arrest, to get
24 credit for the big bust, to get credit for that
25 type of thing.

1 **BY MS. WANG:**

2 **Q.** What about getting the conviction, was that
3 seen as important within the department?

4 **MR. FUNK:** Objection.

5 **MR. MALLAMAD:** Objection.

6 **THE WITNESS:** I would say that it
7 would depend on the individual person. That is
8 the best way I can answer that.

9 **BY MS. WANG:**

10 **Q.** What about getting enough evidence to make
11 an arrest and get criminal charges filed against
12 a suspect, was that seen as important?

13 **MR. FUNK:** Objection, leading.

14 **MR. MALLAMAD:** Objection.

15 **THE WITNESS:** I would say that
16 that all depends on, A, the officer, and how the
17 evidence -- excuse me, how the evidence was
18 presented to the prosecution or the prosecutor,
19 and more oftentimes than not, they would charge
20 them with a plethora of violations and then
21 knock them down to misdemeanors or dismiss most
22 of them, so that it still looks like a
23 conviction.

24 I think they manipulated the numbers,
25 and I think that is the best way I can tell you.

1 **MR. FUNK:** Objection.

2 **MR. MALLAMAD:** Objection.

3 **MS. WANG:** You can't object to
4 an answer.

5 **MR. FUNK:** I can object to the
6 answer. Move to strike then.

7 **BY MS. WANG:**

8 **Q.** You earlier testified that there was a rule
9 that detectives should turn over all evidence to
10 prosecutors, but that this was not always
11 practiced?

12 **MR. FUNK:** Objection.

13 **MR. MALLAMAD:** Objection.

14 **THE WITNESS:** Yes.

15 **BY MS. WANG:**

16 **Q.** Is that correct?

17 **A.** Yes.

18 **Q.** Would you say it was a custom or widespread
19 practice for detectives not to turn over all the
20 evidence to prosecutors?

21 **MR. FUNK:** Objection.

22 **MR. MALLAMAD:** Objection.

23 **THE WITNESS:** I would say that
24 practice happened, it happened more than it
25 should, and it happened and it happened more

1 than it should.

2 **MR. FUNK:** Objection.

3 **MR. MALLAMAD:** Objection.

4 **BY MS. WANG:**

5 **Q.** Was there any policy that you ever saw
6 describing or telling officers or detectives
7 what evidence or what exculpatory evidence they
8 should turn over to prosecutors?

9 **MR. FUNK:** Objection.

10 **MR. MALLAMAD:** Objection.

11 **THE WITNESS:** No. The rules was
12 all evidence, not part, all. And then it was
13 the prosecutor's job to determine what is valid
14 and what is not. That was their job, that
15 wasn't our job.

16 **BY MS. WANG:**

17 **Q.** And when you are talking about evidence,
18 what are you referring to?

19 **A.** Evidence, evidence, evidence. If there is
20 something that happens and it relates to the
21 crime and it points -- I just followed the
22 evidence. If it was there and it was real, I
23 gave it up.

24 **Q.** Did you see any -- sorry, strike that.

25 As a detective, were you trained to write

1 down things that witnesses said in every
2 interview you had with them?

3 **MR. FUNK:** Objection.

4 **MR. MALLAMAD:** Objection.

5 **THE WITNESS:** Police officers
6 that conduct interviews are instructed to write
7 down the statement as close to what the witness
8 said as possible, whether it is good or bad.
9 But it is part of what was said, and it needs to
10 be, the entire thing needs to be presented to
11 the prosecutor, the entire thing, not parts of
12 it, the entire thing.

13 **BY MS. WANG:**

14 **Q.** Do you recall receiving any training on
15 that?

16 **A.** No.

17 **Q.** Or seeing any policies on that?

18 **A.** No.

19 **Q.** You testified earlier about how if you did
20 something that other officers in the department
21 did not like, then you would be punished for it
22 and you also said along those lines that there
23 were people who were in the in group and people
24 -- you were either in or out?

25 **A.** That's correct.

1 **MR. FUNK:** Objection.

2 **MR. MALLAMAD:** Objection.

3 **BY MS. WANG:**

4 **Q.** Could you expand a little bit on what you
5 mean by that?

6 **MR. FUNK:** Objection.

7 **MR. MALLAMAD:** Objection.

8 **THE WITNESS:** Well, as in every
9 organization, there are cliques, and if you are
10 not part of that clique, you don't really have
11 anybody who has your back.

12 And the more I spoke out for things
13 that I thought were wrong, the less I was able
14 to see how deep this ran.

15 **BY MS. WANG:**

16 **Q.** Was it expected that police officers would
17 stay silent about misconducts that they
18 witnessed within the department?

19 **A.** Yes.

20 **MR. FUNK:** Objection.

21 **MR. MALLAMAD:** Objection.

22 **THE WITNESS:** Absolutely,
23 absolutely, keep your mouth shut, absolutely.

24 **MR. FUNK:** Objection.

25

1 **BY MS. WANG:**

2 **Q.** Have you heard the term "code of silence"?

3 **MR. FUNK:** Objection.

4 **MR. MALLAMAD:** Objection.

5 **THE WITNESS:** Yes.

6 **BY MS. WANG:**

7 **Q.** And what is your understanding of what that
8 means?

9 **A.** Keep your mouth shut.

10 **Q.** Would you say there was a code of silence
11 within the Cleveland Police Department as to
12 misconduct in the 1970s?

13 **MR. FUNK:** Objection.

14 **MR. MALLAMAD:** Objection.

15 **THE WITNESS:** I would say that it
16 is a thin blue line, that is how I look at it.
17 Code of silence, thin blue line, yes,
18 absolutely. Absolutely.

19 **MS. WANG:** I have no further
20 questions.

21 **THE WITNESS:** Okay.

22 **MR. MALLAMAD:** I just have some
23 follow-ups.

24 **THE WITNESS:** Of course.

25

1 FURTHER EXAMINATION

2 **BY MR. MALLAMAD:**

3 **Q.** Let me ask you, Mr. Turner, why did your
4 career come to an end in 1985?

5 **A.** Because I got tired of them stealing my
6 dope. I got tired of the unnecessary stuff that
7 I was going through, and it had got to the point
8 that either I was going to do something awful
9 stupid and end up in the penitentiary, or it was
10 time for me to leave. That is how I felt. I
11 got really tired of it.

12 **Q.** Who was stealing your dope?

13 **A.** Can I give you an example?

14 **Q.** Are you talking about police officers?

15 **A.** Yes, I am talking about policemen. Oh, and
16 by the way, I got tired of being -- those
17 officers trying to set me up. I just got tired
18 of it.

19 **Q.** Set you up for what, you mean for criminal
20 activity?

21 **A.** Yes, absolutely.

22 **Q.** And did you report to any supervisor that
23 people were stealing your dope?

24 **A.** Setting me up and trying to -- and stealing
25 my dope, yes, absolutely.

1 **Q.** Who was that you reported it to?

2 **A.** Oh, boy. Well, let's see. In the Third
3 District -- I am sorry, at the Justice Center, I
4 parked my car on P2.

5 **Q.** I am asking who you complained to.

6 **A.** I am trying to get to that. You need to
7 know the whole -- I parked my car on P2, where
8 only policemen can get to, and I went to my car,
9 I could see someone had been in it, and I looked
10 on the floor and there was some dope.

11 And I went right upstairs, and I think -- I
12 couldn't tell you the supervisor. I can't think
13 of his name. But I did complain and I did have
14 them come and take it -- I didn't touch it, no,
15 no, no, no, no. And they plucked it with gloves
16 and took it, allegedly took it up for
17 analyzation. Never heard anything else about
18 it.

19 **Q.** You are referring to dope that was planted
20 in your car?

21 **A.** Correct.

22 **Q.** How many times did that happen?

23 **A.** Twice.

24 **Q.** And on each occasion, did you complain to a
25 supervisor?

1 **A.** Absolutely.

2 **Q.** Can you identify any supervisor that you
3 complained to?

4 **A.** No, as I just told you, I couldn't remember
5 the --

6 **Q.** When you said before that they were
7 stealing your dope, is that something different?

8 **A.** Oh, yeah, that is a different -- the Fourth
9 District -- in fact, sir, it got so bad that
10 Lieutenant Tell gave us a separate property book
11 so that we would enter it into our property book
12 and then we would take it down to the property
13 room and transfer the evidence from our property
14 book to their property book. That is how bad it
15 got.

16 And the guy, let me try to think of his
17 name. I was in the booking, I was booking a
18 prisoner, for Christ sake, with dope, and I put
19 down, I think it was maybe, maybe, maybe ten
20 packets of weed. I know it was weed. And I
21 turned to do something to the prisoner, the
22 prisoner was acting stupid, and when I turned
23 back, half of my dope was gone.

24 **Q.** That was a police officer that stole your
25 dope?

1 **A.** It is the only way. Because that is the
2 only people there.

3 **Q.** On how many occasions did the police
4 officers steal the dope?

5 **A.** That happened a lot.

6 **Q.** Can you estimate for me?

7 **A.** I think six or seven.

8 **Q.** On each occasion, did you complain to a
9 supervisor?

10 **A.** Absolutely.

11 **Q.** And were there any black detectives in the
12 Homicide Unit in the 1970s?

13 **A.** I am sure there were.

14 **Q.** You have talked a lot today -- I am sorry.
15 You were a police officer 16 years for the
16 Division of Police. And I assume that during
17 that period of time, you worked with hundreds
18 and hundreds of police officers; is that a fair
19 statement?

20 **A.** Yes.

21 **Q.** Is it true that most of the officers you
22 worked with were good, honest cops?

23 **A.** Absolutely.

24 **Q.** The ones you described here today engaging
25 in the misconduct, were really the exception to

1 the rule, when it comes to cops being good and
2 honest?

3 **A.** Yes.

4 **Q.** You talked a lot about different types of
5 misconduct today by police officers. I want to
6 ask you, Mr. Turner, if you have any firsthand
7 knowledge that the Police Chief or the Safety
8 Director became aware of this misconduct that
9 you claim you knew about?

10 **A.** Yes.

11 **Q.** Tell me the occasions when --

12 **A.** I went to Jim Carney, he was Acting Safety
13 Director back when, Jim Carney, and I told him
14 that there were things going on in that district
15 that weren't right, and that I wouldn't be a
16 part of it, and I wasn't. I would not be a part
17 of that crap.

18 **Q.** What district are you referring to?

19 **A.** The Third.

20 **Q.** And what was the conduct that you were --

21 **A.** Everything we have been talking about. The
22 disrespect of people, the treatment, the theft
23 of evidence, everything that we have talked
24 about today, that I was aware of and I told him,
25 Mr. Safety Director, sir, this is not right.

1 And he basically told me to mind my own
2 business.

3 **Q.** When was that?

4 **A.** We are talking the '70s. I can't give you
5 any more than that.

6 **Q.** But you recall --

7 **A.** I can tell you he was under Perk, if that
8 helps.

9 **Q.** He was an Acting Safety Director under
10 Mayor Perk?

11 **A.** That's correct.

12 **MR. MALLAMAD:** Thank you,
13 Mr. Turner. Those are my questions.

14 **THE WITNESS:** You are welcome.

15 FURTHER EXAMINATION

16 **BY MR. FUNK:**

17 **Q.** I just have a few follow-up questions on
18 Mr. Gilbert.

19 **A.** Of course. Go ahead.

20 **Q.** First, you testified that you became a
21 detective at some point during your career.

22 Do you recall when, did you actually take
23 the detective's exam?

24 **A.** There is no detective's exam.

25 **Q.** At what point did you become a detective?

1 **A.** When they gave me the gold shield.

2 **Q.** When was that?

3 **A.** Sir, I don't know. I mean, I can't -- oh,
4 boy. Okay. It is a long time ago. And I am
5 trying to give you the best I can. I am not
6 real sure on all these dates, because it has
7 been a while.

8 But I have a gold detective retired badge
9 that they gave to me sometime when I was a
10 police officer, that I can tell you, without any
11 hesitation.

12 **Q.** And then I think you said you worked in the
13 Mod Squad until about 1974?

14 **A.** Yes.

15 **Q.** And then you were assigned the duties that
16 you talked about before, relating to guarding
17 the door and the other thing?

18 **A.** Yes.

19 **Q.** At that point, were you no longer a
20 detective?

21 **A.** Well, I was still referred to as a
22 detective, I still had my gold shield, I never
23 turned that in for a regular shield, a regular
24 badge, I never went back to being 1686.

25 **Q.** But you were not, from that point on, you

1 were not involved in any actual investigations?

2 **A.** No, that is not true. Because the people
3 that I then became -- the job that I did have
4 during that, in the Fourth District and in
5 community relations, I followed it all the way
6 through. I did a lot of follow-up work, I did a
7 lot of interviews, I did a lot of talking to
8 witnesses, I did a lot of presenting the cases
9 to the prosecutor. I was -- I tried to do the
10 best I could. And I made it a point to make
11 sure that this was handled right, or I tried to
12 handle it right.

13 **Q.** In your work as a detective in the Third
14 District, who would have been your supervisor as
15 a detective?

16 **A.** Any shift -- well, no, that is not true.
17 Harry Antel, Inspector Antel presented myself
18 and Jerry West a gold shield. So during those
19 days, we reported directly to the inspector.

20 **Q.** And so when you filled out your report as a
21 detective, you would present that to your --

22 **A.** No, I put it through channels. I would
23 have it signed and leave it at the desk. But if
24 I had a problem or if there was something that I
25 wanted to talk to the inspector about, I had an

1 open door policy where I could come in and talk
2 to him.

3 Q. And when you say "leave it at the desk,"
4 when you would fill out an investigatory form --

5 A. Form 1.

6 Q. -- Form 1, you would submit it to a
7 supervisor who would review it and sign off?

8 A. Yes.

9 Q. And that was the practice throughout the
10 detective work that you did?

11 A. Yes, sir.

12 Q. Is it fair to say that in connection with
13 an investigation, that you as a person would not
14 have information about all the evidence relating
15 to that investigation, unless you were
16 personally involved in the investigation, or had
17 some supervisory responsibility for the
18 investigation?

19 A. I don't understand that question.

20 Q. Okay. If there was an investigation that
21 was being undertaken by other detectives and you
22 were not involved in that investigation, you
23 would not have personal knowledge of all of the
24 evidence that was being compiled in connection
25 with that investigation?

1 **A.** Sometimes, yes.

2 **Q.** And what instances would you have knowledge
3 of all the evidence compiled in an investigation
4 that you were not part of?

5 **A.** I was not the lead officer, I think would
6 be a better way to say it.

7 **Q.** Okay.

8 **A.** But if there was something going on in my
9 area that needed my expertise, I was made privy
10 to it, because of my knowledge. They would call
11 me at home at 2:00 in the morning.

12 **Q.** So that is my question. If you were not
13 involved personally in any way in an
14 investigation, you would not have personal
15 knowledge of the evidence that was compiled in
16 that investigation, right?

17 **A.** For the most part. Again, that is my
18 answer to you, for the most part. But there
19 were exceptions to that.

20 **Q.** And were you, in any investigations that
21 you were involved in, were you aware of any
22 instances, in the investigation you were
23 involved in, in which evidence was withheld from
24 the prosecutor?

25 **A.** I just described that to you about the

1 evidence being stolen, the evidence being
2 misappropriated, I explained to you about the
3 property book, the precautions that had to be
4 taken. Yes. The answer to your question is
5 yes.

6 **Q.** So an investigation that you personally
7 were involved in?

8 **A.** Yes.

9 **Q.** Did you, in fact, go to the prosecutor and
10 present that evidence to the prosecutor and tell
11 them about that evidence?

12 **A.** Yes, and I gave you that example as well.

13 **Q.** What example is that?

14 **A.** Bozie Mack.

15 **Q.** What is the evidence of Bozie Mack?

16 **MS. WANG:** Objection, asked
17 and answered. He talked about that.

18 **THE WITNESS:** Bozie Mack was a
19 Lieutenant in charge of the Narcotics Unit, and
20 I went to him with dope -- no, that is not true.
21 Let me go back. Bozie Mack -- that was the
22 second incident.

23 See, the more I talk, the more comes
24 back. I went to him with a lady of the night
25 who was being basically held captive by her

1 boyfriend and he was a dope dealer.

2 So we were able to get some narcotics
3 and take it to Bozie Mack and he told us thank
4 you for our work that we had done, but there was
5 nothing they could do or they dismissed it.

6 **BY MR. FUNK:**

7 **Q.** So that person, there was no prosecution
8 undertaken in connection with that incident?

9 **A.** Yes, there was. Because I went directly to
10 the prosecutor myself, personally, and from
11 there, I went directly to the Grand Jury, we
12 presented the evidence, he was indicted, and he
13 pled. He wasn't found guilty, he pled guilty.
14 That is the first incident.

15 **Q.** So in that instance, the evidence was
16 presented to the prosecutor and the person was
17 indicted, based upon that evidence?

18 **A.** Because I presented it.

19 **Q.** So are you aware of any prosecution, of any
20 investigation that you personally were involved
21 in, where any prosecution proceeded, based upon
22 evidence that was withheld or a prosecution
23 where evidence was withheld and a person was
24 convicted in violation of Brady, because there
25 was exculpatory evidence withheld from the

1 prosecutor?

2 **A.** Yeah.

3 **Q.** Are you aware of any instance like that?

4 **A.** Yeah, I would think that first case with
5 Bozie Mack is on point. That was the first
6 time. There was a second time. We had gotten
7 cocaine, and we took it -- since I had already
8 dealt with Bozie, we took it to SIU to have it
9 analyzed. SIU came back, they hadn't seen dope
10 like that in quite some while. It was pure.

11 Then Bozie Mack calls us, "Where did you
12 get the dope?"

13 "Got it at the aid of an informant."

14 "Who was it?"

15 "I am not going to tell you."

16 "I am ordering you to bring it to my
17 office."

18 I brought it to his office.

19 I get a call a couple of days later, "That
20 is not the same evidence."

21 "The hell it ain't."

22 And they broke into my desk to get that
23 evidence and missed it again. Missed it. They
24 just screwed up.

25 I mean, the more we talk, the more that is

1 going to come back. Because this happened all
2 the time.

3 **Q.** I am looking for an instance in which you
4 were involved in a prosecution of an individual,
5 where evidence was withheld from the prosecutor.
6 That is what I am getting at.

7 **A.** That is what I told you twice.

8 **Q.** In both the instances that you just
9 described to me, the Lieutenant withheld
10 evidence then but you provided it to the
11 prosecutor?

12 **A.** The Lieutenant did not go to the
13 prosecutor.

14 **Q.** Actually, the Lieutenant didn't withhold
15 evidence. He didn't charge the person. You
16 then went to the prosecutor to charge him?

17 **A.** He withheld the evidence, he did not go to
18 the prosecutor.

19 **Q.** You then went to the prosecutor and that
20 evidence was presented to the prosecutor?

21 **A.** I went to the Grand Jury.

22 **Q.** To the Grand Jury and the evidence was
23 presented to the Grand Jury?

24 **A.** Not with the prosecutor, per se. I went
25 directly to the Grand Jury. At that point -- I

1 don't know how it is now -- but at that point, a
2 police officer could go directly to the Grand
3 Jury. I went directly to the Grand Jury,
4 presented what I had, he was indicted and he
5 pled guilty.

6 **Q.** In that situation, he pled guilty, based
7 upon the evidence that you presented to the
8 Grand Jury?

9 **A.** Correct.

10 **Q.** Any other instances besides the two you
11 just described?

12 **A.** I am sure there are more. That is all I
13 can think of.

14 **Q.** None you would have knowledge of?

15 **A.** Sir, you are trying to play games here.
16 That is not what I said. I said I am sure there
17 are more, but not that I can think of right now.

18 The more we talk, the more comes back.
19 Because this has been a while.

20 **Q.** I am trying to get it based on your
21 knowledge, not what you think happened or what
22 you thought might have happened?

23 **A.** I am telling you what I know happened with
24 those two. There are more, but I cannot at this
25 point just rip them off the top of my mind. It

1 has been a while.

2 **Q.** And you are not aware of any situation
3 involving a homicide indictment in which there
4 was the withholding of evidence?

5 **A.** No, as I said before, no.

6 **Q.** Now, with respect to lack of probable
7 cause, are you aware of any situation -- with
8 respect to felonies and particularly homicides,
9 there would be a Grand Jury indictment before
10 somebody would be prosecuted for felony or
11 other --

12 **A.** With respect to homicide, again, no. With
13 respect to --

14 **Q.** My question was, that there would be a
15 Grand Jury indictment before somebody would be
16 prosecuted for homicide or other major felonies?

17 **A.** And I am answering the question as best I
18 can. With respect to homicide, my answer would
19 be no.

20 **Q.** Your answer is no what, that you -- what
21 are you saying no to?

22 **MS. WANG:** Objection.

23 **THE WITNESS:** Okay. You have to
24 restate it.

25

1 **BY MR. FUNK:**

2 **Q.** With respect to homicide, there would be a
3 Grand Jury indictment, correct?

4 **A.** Correct.

5 **Q.** So are you aware of any homicides and Grand
6 Jury indictments that were not based upon
7 probable cause?

8 **A.** I would have to refer back to my statement
9 I made to you about finding the gun in Woodhill
10 Park. I don't think that was probable cause, I
11 don't think that was properly handled. So my
12 answer would be that I am aware of personally,
13 and I don't think that was right.

14 **Q.** But you don't actually have any firsthand
15 knowledge as to where you actually observed them
16 where they found the gun?

17 **MR. GILBERT:** I think we went
18 through that, Steve.

19 **BY MR. FUNK:**

20 **Q.** But I am confirming, you did not personally
21 observe them where they actually found the gun,
22 or how they found the gun?

23 **MS. WANG:** Objection, asked
24 and answered, five times.

25 **THE WITNESS:** Again, I was there

1 watching when they scoured, I think is the word
2 I used the second time, the second time. I
3 wasn't there the first time. And I say that
4 with some -- the second time, I was there,
5 because I could see this coming, and I said,
6 "Here we go."

7 So I was there when they went out
8 with the flashlights, no spotlights,
9 flashlights, in the dead of night, in Woodhill
10 Park, and found a gun. I was there.

11 **BY MR. FUNK:**

12 **Q.** And you don't know, though, the name of the
13 Sergeant that found the gun?

14 **A.** No.

15 **Q.** You don't know the date of it?

16 **A.** No, but that is police record.

17 **Q.** You don't know the result of the
18 prosecution?

19 **A.** No.

20 **Q.** And you don't know what -- were there any
21 homicide detectives there at all?

22 **A.** I don't know.

23 **Q.** Now, with respect to questions you were
24 asked about threatening or coercing a suspect or
25 a witness, are you aware of any actions of any

1 homicide detectives regarding threatening or
2 coercing a suspect or witness?

3 **MR. GILBERT:** Wait. You know, I
4 made my questions specifically to his role as a
5 detective.

6 **MS. WANG:** Do you want to take
7 the position that homicide detectives have
8 different constitutional obligations than other
9 detectives --

10 **MR. GILBERT:** So you have your
11 answer as it was referenced. So this is like, I
12 don't know, rebuttal?

13 **MR. FUNK:** I am following up
14 on your questions.

15 **BY MR. FUNK:**

16 **Q.** Can you identify for me any particular
17 detective that you are aware of that threatened
18 or coerced a suspect or witness, by name?

19 **MS. WANG:** Objection, asked
20 and answered.

21 **THE WITNESS:** I believe that I
22 told you about Shankland and Fuerst, I believe,
23 I believe, because I was telling you about how
24 they bragged about stealing something or --

25

1 **BY MR. FUNK:**

2 **Q.** Now, that didn't relate to coercing a
3 suspect or interrogating a suspect?

4 **A.** Sir, that is the best I can tell you.

5 **Q.** Okay. Are you aware of any instance that
6 you can identify by name --

7 **A.** Okay. At this point, I can't remember.

8 **Q.** -- a detective who threatened or coerced a
9 witness?

10 **A.** At this point, I can't remember.

11 **Q.** And you said that you personally observed
12 that?

13 **A.** Personally observed what?

14 **Q.** Somebody threatening or coercing a suspect.

15 **A.** Yes.

16 **Q.** And what actions did you take to intervene
17 to prevent that conduct, misconduct, or alleged
18 misconduct? Did you step in to prevent it at
19 that moment?

20 **A.** I believe I had some words to the effect
21 that "That ain't cool."

22 **Q.** After the fact or during it?

23 **A.** After the fact.

24 **Q.** Did you attempt to stop the interrogation
25 in the middle of the interrogation?

1 **A.** Oh, no.

2 **Q.** Why not?

3 **A.** Because I know the games that are played,
4 and I am sure that I would have been looking at
5 interfering with a police function. I could see
6 it sticking out. So I --

7 **Q.** Okay.

8 **A.** I want to finish. So I voiced my opinion
9 quite strongly that that wasn't cool, that
10 wasn't right.

11 **Q.** So right now, when you are describing for
12 me, you have a memory of a particular instance
13 where that occurred?

14 **A.** I have memories that -- some memories I can
15 state that are vivid to me, as we talk, that
16 come back, and some I don't remember.

17 **Q.** Now, the ones that are vivid, can you
18 describe for me the name of the detective or
19 police officer that was engaged in that conduct?

20 **A.** No.

21 **Q.** Can you describe for me what they looked
22 like?

23 **A.** No.

24 **Q.** Can you describe for me what they actually
25 said?

1 **A.** No.

2 **Q.** Can you describe for me the name of the
3 person, the suspect's name?

4 **A.** You have got to be kidding, right? I don't
5 remember that.

6 **Q.** Other than just a general reference to an
7 unknown detective, you don't have any other
8 information?

9 **A.** It is not general, sir. It is what
10 happened, and I am telling you the truth.

11 **Q.** And when did that happen?

12 **A.** I don't remember.

13 **Q.** You have talked about a lineup involving
14 Carl Sleepy Harris. Do you remember that?

15 **A.** Yes.

16 **Q.** What was your role in the lineup?

17 **A.** I didn't have a role in the lineup.

18 **Q.** You said you were present?

19 **A.** Yes.

20 **Q.** What were you doing?

21 **A.** Watching.

22 **Q.** Where were you watching it from?

23 **A.** In the jail on the other side of the lineup
24 room.

25 **Q.** So you were observing it from outside the

1 lineup room?

2 **A.** Yes. Behind the glass.

3 **Q.** So behind the -- you are saying that there
4 was glass in the jail to the lineup room.

5 **A.** The prisoners are on this side, there is a
6 glass, and the witnesses or victims are on the
7 other side.

8 **Q.** And your understanding is that was glass in
9 the old jail?

10 **A.** Yes.

11 **Q.** And who -- you were standing with the
12 witness or the person that was actually
13 attempting to identify the people in the lineup?

14 **A.** I believe so.

15 **Q.** And who else was standing with you?

16 **A.** Oh, I have no idea who else was there.

17 **Q.** Anyone else?

18 **A.** I am sure there were a bunch of people
19 there.

20 **Q.** What role did you have, did you have a role
21 in saying anything to the witness?

22 **A.** No, I never spoke one word to the witness
23 or anybody in that room.

24 **Q.** Was there somebody else there, assuming any
25 other role, vis-a-vis the witness, besides

1 yourself?

2 **A.** I am sure there was.

3 **Q.** And did you at that time when you saw the
4 change in pants, did you attempt to stop the
5 lineup?

6 **A.** No.

7 **Q.** Did you say anything to the Sergeant who
8 was conducting the lineup?

9 **A.** I don't know if there was a Sergeant there.

10 **Q.** Did you say anything to anyone who was
11 conducting the lineup?

12 **A.** I told them afterwards.

13 **Q.** After the suspect had left the room, after
14 the people in the lineup left the room?

15 **A.** They went back to lockup, yes.

16 **Q.** Do you know whether Carl Harris was
17 prosecuted?

18 **A.** He skipped.

19 **Q.** Did you disclose your information to the
20 prosecutor?

21 **A.** Yes.

22 **Q.** Who was the prosecutor?

23 **A.** Sir, I don't know.

24 **Q.** And you don't know whether any action was
25 taken by the prosecutor with that information

1 that you gave him?

2 **A.** Carl Sleepy Harris was charged and he
3 skipped.

4 **Q.** Was Carl Harris identified by the witness
5 in the lineup?

6 **A.** I don't remember if it was the witness
7 or -- I don't remember if it was the victim or a
8 witness. There was a witness. I don't remember
9 which one it was.

10 **Q.** Did that person identify Carl Harris in the
11 lineup?

12 **A.** Again, I am not sure which one it was. But
13 somebody identified him.

14 **Q.** I am asking in the lineup that you
15 observed --

16 **A.** I am telling you.

17 **Q.** -- did the person, did that person that you
18 observed watching the lineup, did that person,
19 whether it was a witness or a victim, did that
20 person identify Mr. Harris in the lineup?

21 **A.** I don't know which one it was.

22 But somebody, it could have been either one
23 of them, identified Mr. Harris.

24 **Q.** Okay. So they identified Mr. Harris, even
25 though he did not have the same pants on that he

1 wore when he was arrested?

2 **A.** Correct.

3 **Q.** So the pants didn't affect the
4 identification of Mr. Harris?

5 **MR. GILBERT:** Objection. He
6 wasn't there at the --

7 **MR. FUNK:** Object. Let him
8 answer the question. I am talking about his
9 observations.

10 **THE WITNESS:** I don't know. I
11 can only tell you what I saw and what I did.
12 Now, what it was that charged them, I don't
13 know.

14 **BY MR. FUNK:**

15 **Q.** Right now, that is all I want to know is
16 what you saw.

17 **A.** I am telling you, you won't accept it.

18 **Q.** What you saw, the person who watched the
19 lineup actually identified Mr. Harris?

20 **A.** I don't know what the person who watched
21 the lineup did; I don't know.

22 **Q.** And you don't know, because you don't
23 remember or because you didn't see it?

24 **A.** No, I didn't see who identified him. I
25 know he was identified. He was charged. It had

1 to be from an identification of somebody in that
2 room.

3 Q. But you did not observe the suspect,
4 because you were standing next to the witness or
5 whoever was doing the identifying?

6 A. I don't know who I was standing next to.
7 But I was standing next to somebody in the
8 lineup room.

9 Q. Did that person that you were standing next
10 to, identify anyone in the lineup?

11 A. Sir, I don't know.

12 Q. Can you identify any -- the name of any
13 detective that you personally observed using
14 force, physical force against a suspect?

15 A. At this time, no.

16 Q. When you personally observed an officer
17 using force, did you seek to intervene to
18 prevent the use of that force?

19 A. Yes.

20 Q. What did you do?

21 A. Depending upon the situation, I would talk
22 or say that is not right, "That is not cool.
23 You need to stop this," and then I would report
24 it.

25 Q. And did you, in fact, stop it?

1 **A.** At certain times, yes; at certain times,
2 no.

3 **Q.** But you can't specifically identify any
4 particular time with any specificity? Can you
5 give me an instance where -- describe an
6 instance where you actually stopped the use of
7 force?

8 **A.** Sir, no. I have done the very best I can
9 now. No. At this point, I cannot do it, at
10 this point.

11 **Q.** Well, this is the point. This is our
12 chance to ask you questions.

13 **A.** Yeah, but you want the truth, don't you?

14 **Q.** Yes.

15 **A.** You don't want me to lie, do you?

16 **Q.** No, I don't.

17 **A.** At this point, I can't do it. It is that
18 simple, I have to have it, it has to come back
19 to me. What, I have been gone what, 35 years?

20 **Q.** You also testified about some detective
21 manipulating, quote, unquote, manipulating
22 evidence. Do you remember that?

23 **A.** Yes, and my response was they do it then
24 and they do it now.

25 **Q.** And I think you said making -- when you

1 talk about manipulating evidence, can you
2 identify for me in specific the name of any
3 detective you are aware of that quote, unquote,
4 manipulated evidence?

5 **A.** Now or then?

6 **Q.** Then. I am looking for the name of any
7 detective that you are aware of, that, quote,
8 unquote, manipulated evidence.

9 **A.** I don't remember at this point.

10 **Q.** And what efforts, if any, did you make to
11 prevent the, quote, unquote, manipulating of
12 evidence?

13 **A.** How they manipulated their evidence, as
14 best I can remember, is I complained and went to
15 a supervisor or somebody.

16 **Q.** And you did that in writing?

17 **A.** I think I presented that to the inspector
18 via the property book. I think I did that with
19 the inspector via the property book.

20 **Q.** Are you aware of any criminal Defendant who
21 was, in any investigations that you were
22 involved in, who was wrongfully convicted based
23 upon false or manipulated evidence?

24 **A.** That I was involved in?

25 **Q.** Yes.

1 **MR. GILBERT:** So I am going to
2 object, because I think that is beyond the scope
3 of your redirect, whatever you want to --

4 **MR. FUNK:** That is not true.
5 She just asked him questions about falsifying or
6 manipulating evidence. I am trying to gain
7 whether it is based upon his personal knowledge.

8 **MR. GILBERT:** Go ahead.

9 **THE WITNESS:** I think I have
10 answered that. At this point, I am not going
11 to --

12 **BY MR. FUNK:**

13 **Q.** My question -- let me ask it again. My
14 question was, are you aware of any Defendants,
15 criminal Defendants in connection with any
16 investigations that you have personal knowledge
17 of, who were wrongfully convicted based upon
18 false or misleading or manipulated evidence?

19 **A.** I don't remember. And that is what I am
20 going to say from now on.

21 **Q.** So sitting here today, you can't recall any
22 specific prosecution --

23 **A.** I don't remember, sir. I don't remember.
24 At this time, I don't remember.

25 **MR. FUNK:** Okay. I have

1 nothing further.

2 **MR. GILBERT:** All right. So you
3 have a right to read the transcript of your
4 deposition today once it is prepared by the
5 court reporter. If you do not want to read it,
6 then you would tell her -- tell us all you waive
7 it. So it is up to you.

8 **THE WITNESS:** Oh, no, I am not
9 going to waive it. I want to see it. I
10 definitely want to see it.

11 **MR. GILBERT:** So she will be in
12 touch with you so you can see a copy of it.

13 (Thereupon, the R.L. Turner
14 deposition was concluded at 4:58
15 o'clock p.m.)

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I, RONALD L. TURNER, do verify that I have read the foregoing transcript consisting of 159 pages and have had the opportunity to make corrections/changes; and that the foregoing is a true and correct transcript of my testimony given Monday, June 13, 2016.

Corrections/Changes Made _____

No Corrections/Changes Made _____

RONALD L. TURNER

Sworn to before me, _____,
Notary Public

this _____ day of _____, _____.

Notary Public

My commission expires _____.

- - -

bpm

1 C E R T I F I C A T E

2

3 STATE OF OHIO,)
 4) SS:
 5 SUMMIT COUNTY,)

6

7 I, Binnie Purser Martino, a Registered
 8 Diplomat Reporter, Certified Realtime Reporter
 9 and Notary Public within and for the State of
 10 Ohio, duly commissioned and qualified, do hereby
 11 certify that the within-named witness, RONALD L.
 12 TURNER, was by me first duly sworn to testify
 13 the truth, the whole truth and nothing but the
 14 truth in the cause aforesaid; that the testimony
 15 then given by him was by me reduced to Stenotype
 16 in the presence of said witness, afterwards
 17 prepared and produced by means of Computer-Aided
 18 Transcription and that the foregoing is a true
 19 and correct transcript of the testimony so given
 20 by him as aforesaid.

21 I do further certify that this deposition
 22 was taken at the time and place in the
 23 foregoing caption specified, and was completed
 24 without adjournment.

25 I do further certify that I am not a
 relative, employee of or attorney for any party
 or counsel, or otherwise financially interested
 in this action.

I do further certify that I am not, nor is
 the court reporting firm with which I am
 affiliated, under a contract as defined in Civil
 Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my
 hand and affixed my seal of office at Akron,
 Ohio on this 16th day of June, 2016.

19

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Binnie Purser Martino, RDR, CRR

24

My commission expires June 25, 2019.

25

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